

# **EXHIBIT 78**

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

JAMES D. SULLIVAN, et )  
al, individually, and )  
on behalf of a Class of )  
persons similarly )  
situated, ) Civil Action No.  
5:16-cv-00125  
Plaintiffs, )  
vs. )  
SAINT-GOBAIN )  
PERFORMANCE PLASTICS )  
CORPORATION, )  
Defendant. )

VIDEOTAPED DEPOSITION OF THEODORE B.  
CRAWFORD, taken pursuant to notice before Beth  
Gaige, Registered Professional Reporter, at  
the offices of BarrSternberg Moss Silver &  
Munson, P.C. 507 Main Street, Bennington,  
Vermont, on May 1, 2018, commencing at 9:35  
a.m.

A P P E A R A N C E S

FOR THE PLAINTIFFS,

EMILY J. JOSELSON, ESQ.  
Langrock Sperry & Wool, L.L.P.  
P.O. Drawer 351  
Middlebury, VT 05753  
Phone: 802.388.6356  
E-mail: Ejoselson@langrock.com

DAVID F. SILVER, ESQ.  
Barr Sternberg Moss Silver & Munson, P.C.  
507 Main Street  
Bennington, VT 05201  
Phone: 802.442.6341  
E-mail: Dsilver@barrsternberg.com

FOR THE DEFENDANT:

LINCOLN WILSON, ESQ.  
Quinn Emanuel Urquhart & Sullivan LLP  
51 Madison Avenue  
New York, NY 10010  
Phone: 212.849.7000  
E-mail: Lincolnwilson@quinnemanuel.com

TOM BARNES, ESQ.  
Quinn Emanuel Urquhart & Sullivan LLP  
51 Madison Avenue  
New York, NY 10010  
Phone: 212.849.7000  
E-mail: Tombarnes@quinnemanuel.com

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STIPULATION

(It is hereby agreed by and between the parties that signature is not waived.)

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THE VIDEOGRAPHER: We are now on the record.

Please note that the microphones are sensitive and may pick up whispering and private conversations. Please turn off all cell phones or place them away from the microphones as they can interfere with the deposition audio. Recording will continue until all parties agree to go off the record.

My name is Edward Roy representing Veritext. Today's date is May 1, 2018. The time is now approximately 9:29 a.m. This deposition is being held at BarrSternberg Moss Silver & Munsom, P.C., located at 507 Main Street, Bennington, Vermont, and is being taken by counsel for the plaintiff.

MS. JOELSON: Mm-mm.

THE VIDEOGRAPHER: Defendant, I'm sorry. The caption of the case is James D. Sullivan, et al, individually and on behalf of a class of persons similarly situated, plaintiffs,

1       versus Saint-Gobain Performance Plastics  
2       Corporation, defendant. This case is filed in  
3       the United States District Court, District of  
4       Vermont, civil Action No. 5:16-cv-00125. The  
5       name of the witness is Ted Crawford.

6               At this time the attorneys present in the  
7       room and attending remotely will identify  
8       themselves and the parties they represent.

9               MR. BARNES: Tom Barnes. I'm with Quinn  
10       Emanuel Urquhart & Sullivan, and I represent  
11       the defendant, Saint-Gobain.

12              MR. WILSON: Lincoln Wilson for the  
13       defendant.

14              MR. SILVER: David F. Silver for the  
15       plaintiffs.

16              MS. JOSELSON: Emily Joselson for the  
17       plaintiffs.

18              THE VIDEOGRAPHER: Will the court  
19       reporter, Beth Gaige, representing Veritext --  
20       will swear in the witness and we can proceed.

21              MR. SILVER: I'll do it. She's not a  
22       notary.

23              (The Witness was administered the oath by  
24       Attorney Silver.)

25              MS. JOSELSON: I just want to put

1 something on the record before we start.

2 Mr. Crawford is not a member of nor  
3 representing the exposure class, and based on  
4 Judge Crawford's order, Document 134, we would  
5 object and instruct the witness not to answer  
6 any questions regarding any medical record  
7 information, exposure information, information  
8 about chemicals or foods or other items that  
9 clearly relate to, if anyone, those in the  
10 exposure class only.

11 MR. BARNES: Objection noted.

12 THEODORE B. CRAWFORD, having been duly sworn  
13 by the Notary Public, was examined and  
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. BARNES:

17 Q. Are you ready, Mr. Crawford?

18 A. Yes.

19 Q. Good morning. My name is Tom Barnes. We met  
20 earlier, but I'm representing the defendant  
21 today -- at today's deposition and I will be  
22 asking the questions.

23 A. Okay.

24 Q. Can you please state your full name for the  
25 record?

1 A. Theodore Burton Crawford.

2 Q. And what is your date of birth?

3 A. July 25, 1952.

4 Q. And so as I said, today I will be asking some  
5 questions and you'll just be giving me answers  
6 back. There's a court reporter here who is  
7 going to be writing down everything we say, so  
8 just a few good ground rules.

9 One of them is that when I ask a question  
10 it's helpful to wait until I finish the  
11 question before giving your response. You may  
12 know where I'm going with the question, but it  
13 will be easier for her if we take turns  
14 speaking, and I will try to do the same for  
15 you. Okay?

16 A. Okay.

17 Q. The other -- another good ground rule is that  
18 when you give your response it's helpful to  
19 give verbal answers as opposed to mm-hmm,  
20 mm-mms, you nodding your head, shaking your  
21 head. That will make it easier on the court  
22 reporter as well.

23 I'll also try and be clear with my  
24 questions, but if you don't understand a  
25 question or want clarification, just ask and



1 I'm happy to try and clarify for you. Okay?

2 A. Okay.

3 Q. And if at any point you need a break or to  
4 just take a bathroom break or anything, just  
5 let me know. All I ask is that if there's a  
6 pending question or if you are in the middle  
7 of an answer, just we'll finish that and then  
8 we'll try and take a break then.

9 All right. Have you ever been deposed  
10 before?

11 A. No.

12 Q. Have you ever given testimony at any sort of  
13 trial or litigation?

14 A. Yes.

15 Q. When was that?

16 A. Probably 1982 or '3.

17 Q. And what was that? What was the case about?

18 A. Divorce case.

19 Q. And were you -- were you involved in the  
20 divorce case? Were you --

21 A. I was.

22 Q. And was that your -- was that a first one?

23 A. Yes.

24 Q. And you're currently married right now?

25 A. I am.

25	Q. Anything else?
----	-------------------

1 A. No.

2 Q. Do you believe those medications will affect  
3 your ability to answer the questions today?

4 A. They will not.

5 Q. And what, if anything, did you do to prepare  
6 for today's deposition?

7 A. I read through the book that Emily and David  
8 provided us. We had several meetings and  
9 talked about things. And I helped Linda get  
10 ready for her deposition, and she helped me.

11 Q. With regard to the book, what sort of  
12 documents were in that material?

13 MS. JOSELSON: Just the discovery that we  
14 provided to you.

15 MR. BARNES: I'll ask Mr. Crawford.

16 BY MR. BARNES:

17 Q. Would you answer that question?

18 A. The discovery book, yeah. Everything that we  
19 had given to you people and -- go ahead.

20 Q. And it was -- when you say the discovery  
21 things given us, this is documents you  
22 produced to the defendants?

23 A. Yeah. We gave everything we asked -- that  
24 were asked to give we gave, yes.

25 Q. And did you review any court filings or

1 anything in this matter?

2 A. Yes.

3 Q. Which ones?

4 A. All we were given.

5 Q. Do you recall specifically which documents?

6 A. No, but if you want me to look at them, I can  
7 tell you which ones I looked at.

8 Q. And you said you also had a few meetings to  
9 prepare for this; is that correct?

10 A. That's correct.

11 Q. And without telling me what was said during  
12 those meetings, were these meetings with your  
13 attorneys?

14 A. Yes.

15 Q. And do you recall how long those meetings  
16 lasted?

17 A. Hour, hour and a half, perhaps.

18 Q. And by meetings, how many meetings were there?

19 A. Three as I recall.

20 Q. And were each about an hour, hour and a half?

21 A. Yes.

22 Q. And do you recall when those were?

23 A. Yes. They were here.

24 Q. I'm sorry. When they were?

25 A. Oh, when they were. No, not exactly I don't.

1 Q. Was it within the last two weeks?

2 A. One may have been.

3 Q. Okay.

4 A. The last couple of weeks have been kind of  
5 crazy.

6 Q. I understand. Within the last maybe month,  
7 would you say?

8 A. One was at least, but I don't know exact  
9 dates, no.

10 Q. And you also said you talked with your wife  
11 about this -- preparing for the deposition,  
12 correct?

13 A. About what?

14 Q. You talked with Mrs. Crawford to prepare for  
15 today's deposition?

16 A. Yes.

17 Q. And what did you talk about?

18 A. We talked about the improvements to the house,  
19 values. That kind of thing.

20 Q. And was this -- did you prepare together  
21 before her deposition or after?

22 A. Before.

23 Q. Did you talk with Mrs. Crawford after her  
24 deposition?

25 A. Yes.

1 Q. And what did you talk about at that time?

2 A. We talked about the questions that she was  
3 asked and a couple of things that were a  
4 little quirky, shall I say, different, that  
5 she thought was funny; but, you know, in  
6 general we talked about what she said.

7 Q. Go ahead.

8 A. Most of what she was asked was her medical  
9 records, so I assume we're not going to rehash  
10 that here.

11 Q. And at the risk of offending one of my  
12 colleagues, what were some of the quirky  
13 things you thought about at the last  
14 deposition?

15 A. Somebody asked her what that white pipe was in  
16 the corner of our living room. That's a pole  
17 lamp, which when I was kid everybody had one  
18 or two or three or five, and that one was her  
19 mother's. So that -- you know, that was kind  
20 of different.

21 And the other thing was, that struck me  
22 kind of funny, was he asked what the thing on  
23 the roof was. A chimney. Everybody has got a  
24 chimney in Vermont, at least one. That's  
25 where you've got to have someplace for your

1 oil fumes to go, you know. Otherwise it's in

2 your house. Just kind of funny, that's all.

3 Struck me funny. I'm sorry.

4 Q. No, that's -- that's okay.

5 A. Anyway.

6 MR. WILSON: We know Paul. We're not

7 surprised.

8 BY MR. BARNES:

9 Q. And you said you talked about some questions  
10 she was asked as well; is that correct?

11 A. Yes.

12 Q. Do you recall which questions she had told you  
13 about?

14 A. Not really specifically. I mean, it was kind  
15 of general, you know, like what kind of food  
16 she ate and that kind of stuff. You know,  
17 general.

18 Q. Okay. I'd like to ask you a few questions  
19 about your background now, if that's okay.

20 Where were you born, Mr. Crawford?

21 A. Bennington, Vermont.

22 Q. In Bennington. And have you lived in  
23 Bennington your whole life since then?

24 A. I have except for a short period in 1969. It  
25 was a summer in Mexico.

1 Q. And what brought you to Mexico?

2 A. It was a school program that I joined and a  
3 bunch of kids went with three teachers for the  
4 summer, six weeks.

5 Q. And so from 1952, when you were born, until  
6 you said 1960 --

7 A. Nine.

8 Q. -- 9 you stayed in Bennington?

9 A. I did.

10 Q. And then you left for a summer and then after  
11 you came back in the fall of 1969?

12 A. Yeah. Senior year in high school.

13 Q. And you've lived in Bennington continuously  
14 since then?

15 A. Except for another short period of time when I  
16 lived in Fort Ord, California.

17 Q. And what brought you there?

18 A. The army national guard.

19 Q. Did you -- when did you join the national  
20 guard?

21 A. '71 or '72, somewhere in there.

22 Q. And how long did you stay in the national  
23 guard?

24 A. Eight years.

25 Q. Eight years.



1 MS. JOSELSON: And remind you just to  
2 slow down because Beth is already having to  
3 scramble.

4 THE WITNESS: Sorry.

5 BY MR. BARNES:

6 Q. And eight years, so that would be --  
7 apologies.

8 When did you say you joined the national  
9 guard?

10 A. It was '71 or '72. Somewhere in there.

11 Q. And so you left the national guard around  
12 1980?

13 A. Right in that period, yeah.

14 Q. And did you stay in California that whole  
15 time? Is it Fort Worth you said?

16 A. No. I said Fort Ord.

17 Q. And where is that?

18 A. It's near Monterey.

19 Q. And --

20 A. And, no, I didn't stay there the whole time.  
21 I was only there for the summer, six months.  
22 Yeah, six months I guess it was.

23 Q. And where else did you serve in the national  
24 guard?

25 A. Ludlow, Vermont, for a period of time. Then I

1 rejoined Bennington, and then I went to  
2 Rutland and was in the engineers for the rest  
3 of my time.

4 Q. The engineers of the national guard?

5 A. Yes.

6 Q. And what did you -- what did you do in the  
7 national guard as an engineer?

8 A. As an engineer, basically I drove a dump  
9 truck.

10 Q. And were you an engineer the whole time, from  
11 '72 to 1980?

12 A. Say that again.

13 Q. Were you an engineer from 1972 to 1980?

14 A. No. When I was in Ludlow, we were in mortars.  
15 Sorry, got to slow down.

16 I was in mortars in Ludlow with APCs,  
17 Armoured Personnel Carriers. We were mobile,  
18 so the mortar tube was in the back of the  
19 machine. And then when we came to Bennington  
20 we were tankers. So because of my maintenance  
21 background, I was put in the maintenance thing  
22 and we -- we maintained the tanks, which was  
23 fun sort of.

24 Q. And from 1972 until when were you in the  
25 mortar division?

1       A.   Man, probably -- I'm going to estimate I was  
2           up there for two years in Ludlow and then four  
3           years in Bennington and then two years in  
4           Rutland.

5       Q.   So approximately from 1974 to 1978 you were in  
6           Bennington in the -- in the armoured --

7       A.   Yeah.

8       Q.   -- vehicle division?

9                   And then after -- in 1978 is when you  
10           became an engineer?

11      A.   Correct, as best I recall.   The dates may be  
12           whatever, but...

13      Q.   And you left the national guard in 1980?

14      A.   I did.

15      Q.   And did you -- did you receive any additional  
16           education besides that military training?

17      A.   I had -- I have a degree from Community  
18           College of Vermont.

19      Q.   And which college is that?

20      A.   Community College of Vermont.   That's the  
21           college.

22      Q.   And when did you start at the Community  
23           College of Vermont?

24      A.   I don't remember, but it took me about eight  
25           years to get a degree because I was working

1           part-time. So it took a while.

2           Q. Did you receive a degree?

3           A. I did.

4           Q. And what was the degree in?

5           A. Business management.

6           Q. And do you recall the year of graduation?

7           A. Do I recall?

8           Q. When did you -- apologies.

9                   Do you recall when you graduated after  
10           you said eight years?

11          A. No, I don't. I would have to look it up.

12          Q. And did you -- withdrawn.

13                   Have you ever attended the Cleveland  
14           Institute of Electronics?

15          A. Attended it? Yes. Well, mail, through the  
16           mail.

17          Q. And what do you mean by through the mail?

18          A. It was a mail order program. You did  
19           everything at home and mailed in all your  
20           tests and all that stuff.

21          Q. So it was sort of online college before  
22           online?

23          A. Kind of. Yes, it was. Yeah.

24          Q. And do you recall when you started at the  
25           Cleveland Institute of Electronics?

1 A. No, I don't.

2 Q. Did you graduate, receive a degree from the  
3 Cleveland Institute of Electronics?

4 A. No, not that I recall.

5 Q. Do you recall what courses you took?

6 A. No, I don't.

7 Q. Did you attend correspondence college in --  
8 while you were attending school through the  
9 mail?

10 MS. JOELSON: Object, but you can answer  
11 it if you understand it.

12 THE WITNESS: I didn't hear you.

13 MS. JOELSON: I'm going to object  
14 periodically throughout the deposition, but  
15 you can answer the question anyway, unless I  
16 tell you not too.

17 THE WITNESS: Okay.

18 MS. JOELSON: That's another reason why  
19 you need to leave space between --

20 THE WITNESS: Okay.

21 MS. JOELSON: -- his questions and your  
22 answers so I can --

23 THE WITNESS: Okay.

24 MS. JOELSON: -- put an objection on the  
25 record.

1 THE WITNESS: Okay. Did you just tell me  
2 not to answer that?

3 MS. JOELSON: I did not.

4 THE WITNESS: Okay.

5 BY MR. BARNES:

6 Q. I'll ask a different question.

7 Did you ever travel to Cleveland to  
8 attend school?

9 A. No.

10 Q. Talk a little bit now about your job history.

11 Are you currently employed?

12 A. Yes.

13 Q. And where are you employed?

14 A. At McGill Air Flow.

15 Q. And when did you start at McGill Air Flow?

16 A. 1985.

17 Q. And in 1985, what job did you have with  
18 McGill?

19 A. I was an apprentice, a sheet metal apprentice.

20 Q. And how long were you a sheet metal apprentice  
21 for?

22 A. Two years.

23 Q. And while you were a sheet metal apprentice,  
24 what sort of responsibilities did you have?

25 A. Build product. I was out on the floor and

1           learned the trade, learn how things go  
2           together and what goes together with what.  
3           When you got a fitting that wasn't correct,  
4           make sure you got it fixed before it went out  
5           the door. That kind of thing.

6       Q.   And in 1985, what kind of projects did McGill  
7           Air Flow make?

8       A.   HVAC products, round and oval.

9       Q.   Anything else?

10      A.   In Bennington? No.

11      Q.   And did you work with certain types of metals  
12           that you recall?

13      A.   Yes.

14      Q.   And what were they?

15      A.   Galvanized, stainless, galvanneal, aluminum,  
16           perforated materials, sheet material, which  
17           could be galvanized and black iron, as well as  
18           stainless. Uni-Coat, which is a poly mild  
19           coated metal. I think that's about it.

■       ■       ██  
■               ████████████████████       ████████████████████  
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[illegible]



1 Q. And what kind?

2 MS. JOELSON: Objection. I'm going to  
3 instruct you not to answer. There's no  
4 relevance. It's covered by the order.

5 MR. BARNES: There -- relevance isn't a  
6 proper objection to begin, and the second,  
7 that order does discuss the production of  
8 medical records but it has no bearing on  
9 whether or not he can answer a question about  
10 his job history.

11 MS. JOELSON: You can ask him about his  
12 job history. You can't ask him about any  
13 chemicals at any of his job -- jobs where he  
14 has worked.

15 MR. BARNES: And what's the basis for  
16 refusing to --

17 MS. JOELSON: As I said, the court  
18 order, Document 134.

19 MR. BARNES: Specifically what part of  
20 the court order though?

21 MS. JOELSON: We'll argue about that  
22 later.

23 MR. BARNES: Well, I'd like him to answer  
24 the question, so I think we have to discuss it  
25 now.

1 MS. JOSELSON: No. You can call the  
2 Judge.

3 MR. BARNES: Is that the same order that  
4 discusses the proper objections as well?

5 MS. JOSELSON: No. It's the order that  
6 governs the discovery of information for those  
7 in the exposure class, and since he is not in  
8 the exposure class, there's no relevance to  
9 any of those questions.

10 MR. BARNES: Well, I'll repeat again that  
11 relevance is not a proper objection in a  
12 deposition, nor is it a proper basis to  
13 instruct the witness not to answer a question.  
14 And I do have a copy of these orders as well.

15 One second, Mr. Crawford. I apologize.

16 MR. WILSON: I think you've made your  
17 position clear. We don't believe it's  
18 supported. We don't think that relevance is a  
19 proper objection, and the law is clear that  
20 objection to form is the only objection that  
21 you need to make here.

22 If you are going to instruct the witness  
23 not to answer, we'll reserve our right to keep  
24 this deposition open until we can bring this  
25 issue before Judge Crawford to get a ruling

1 and continue it. So --

2 MS. JOSELSON: Can you give me a proffer  
3 for why asking a non-exposure class member any  
4 questions about chemicals that he's already  
5 testified he didn't work with but might have  
6 been used by others in a job he had is  
7 possibly going to lead to the discovery of any  
8 relevant evidence in this case?

9 MR. WILSON: We're not required to give  
10 you a proffer about the relevance of that  
11 question. We're entitled to ask the question  
12 that we want to as long as it's not privileged  
13 and not harassing the witness. We are  
14 entitled to ask that question.

15 I'm happy to give that proffer if you  
16 like. I don't think it's necessary at the  
17 time, at this time.

18 But my question to you is whether you  
19 want us just to ask these questions and  
20 proceed, or whether you would like to keep the  
21 deposition open and we can bring this before  
22 Judge Crawford later.

23 MS. JOSELSON: First of all, I think the  
24 person who is taking the deposition should  
25 make the objection, so I would respectfully

1 ask that Tom do the speaking here.

2 And, secondly -- sure, go ahead and make  
3 your proffer.

4 MR. BARNES: I would say -- well, first I  
5 would say I think it's okay for Lincoln also  
6 to address this issue because we're talking  
7 about improper objections anyway.

8 Second, I would just say in the order  
9 from Judge Crawford on November 28, 2017,  
10 document number 134, it discusses about the  
11 issue of objections during depositions. And  
12 it says on page two, the result has been  
13 frequent objections addressed to the purpose  
14 and scope of individual questions. Such  
15 interference with the conduct of a deposition  
16 is not tolerable.

17 So I would ask that we -- allow us to ask  
18 our questions without having to address the  
19 purpose and the scope of the question. If  
20 there is any question about medical records or  
21 asking to produce medical records, then we can  
22 discuss that, whether that's proper under this  
23 order, but I don't think this order addresses  
24 generic relevancy questions based on his prior  
25 work history.

MS. JOELSON: Of course it does. It limits the scope of discovery regarding the non-exposure class members, and you know that.

So I will allow -- allow him to answer this question, but I'm not going to go very far further in this line in allowing you -- and we'll just have to check with Judge Crawford.

BY MR. BARNES:

Q. Would you like me to reask the question, Mr. Crawford?

A. Please.

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

19 Q. And how close is this factory to your current  
20 home?  
21 A. About three miles.  
22 Q. And how many people in Bennington worked at  
23 this factory?  
24 A. You're going have to be more specific.  
25 Q. Do you recall how many workers were employed

1 at the factory you were employed at at the  
2 time in 1985?

3 A. 1985 had about 40 people.

4 Q. And today how many people work at that  
5 factory?

6 A. 13, I think it is.

7 Q. And were you required to change your clothes  
8 before leaving the factory?

9 MS. JOSELSON: Objection, but you can  
10 answer.

11 A. Not required but -- not very smart not to,  
12 how's that? It was dirty business.

13 BY MR. BARNES:

14 Q. Dirty as in -- what do you mean by that?

15 A. Sheet metal is dirty. When you cut it, you  
16 form it and roll it and handle it. Your hands  
17 get dirty; your clothes; get dirty.

18 We also did a lot of lined stuff,  
19 insulated, so fiberglass particles. So your  
20 clothes were pretty dirty at the end of the  
21 day. So I changed my clothes. We had  
22 uniforms.

23 Q. And you would change before you left?

24 A. Correct.

25 Q. And would you do that every day -- every time?

1 A. Every time, every day.

2 Q. Do you know anyone who worked with you in --  
3 at McGill in 1985 who still lives in  
4 Bennington?

5 A. I can't answer if they live in Bennington or  
6 not.

7 Q. Do they -- do you know anyone who you worked  
8 with when you started at McGill who lives in  
9 the area?

10 A. Yes.

11 Q. Approximately how many people would you  
12 estimate?

13 A. Four, I believe it is.

14 Q. And do they live -- do you know where they  
15 live specifically?

16 A. No.

17 Q. Are their homes outside Bennington?

18 A. I don't know.

19 Q. And the four people you mentioned, do you know  
20 their names?

21 A. Yes.

22 Q. And who are they?

23 A. One is Terry Ratz. One is Gordie Plago  
24 (Phonetic). What are the other two. Hum.

25 I'm drawing a blank, but I think there is



1 two more. I can't remember their names.

2 Q. And Terry Ratz, do you know if -- he? Is  
3 that -- is this a man? Terry Ratz is a man?

4 A. Say it again.

5 Q. Is Terry Ratz a man or a woman?

6 A. Oh, I'm sorry. It's a man.

7 Q. And is Terry Ratz -- do you know if Terry Ratz  
8 is a potential plaintiff in this case?

9 A. He is not.

10 Q. And the second individual, is that person a  
11 member of this class?

12 A. No, he is not, as far as I know.

13 Q. Do you know, as far as you know, the other two  
14 individuals, are they members of the class?

15 A. I don't believe so.

16 Q. So after you were a sheet metal apprentice,  
17 what did you do next at McGill?

18 A. I was a sheet metal mechanic.

19 Q. For how long?

20 A. Approximately two more years.

21 Q. So approximately from 1987 to 1989?

22 A. '89, '90, somewhere in there. Yeah.

23 Q. And what did you do as a sheet metal mechanic?

24 A. The same thing that I did as an apprentice  
25 except I got paid more.

1 Q. And how -- what position -- withdrawn.

2 And you changed positions again in 1990?

3 '89 or '90.

4 A. '89, '90. Right in there someplace, yes. I  
5 went in the office.

6 Q. And what did you do in the office?

7 A. I was called -- the position was called  
8 production planner at that point.

9 Q. And what did you do as a production planner?

10 A. We got the orders from the sales offices and  
11 processed them and gave them to the shop guys  
12 to fabricate. So I used to say I turn paper  
13 into sheet metal.

14 Q. And so did you work in the factory at all  
15 during that time?

16 A. No, we're not allowed. It's a union shop.

17 Q. Was the office located in the same location as  
18 the factory?

19 A. Yes.

20 Q. Was that also approximately three miles away?

21 A. Same building, yes.

22 Q. And after -- what was the next position you  
23 had at McGill?

24 A. It was the same position but they renamed it  
25 production supervisor.

1 Q. And is that your current position?

2 A. It is.

3 Q. So how long have you been a production  
4 supervisor?

5 A. 20-something years, I guess. Yeah, it would  
6 have been since '91 to the present, or '92.  
7 Somewhere in there it changed.

8 Q. And prior to starting at McGill did you have  
9 another job?

10 A. Yes.

11 Q. And where was that?

12 A. First Cook.

13 Q. First Cook is the -- what is First Cook?

14 A. First Cook is the -- well, back then it was  
15 the Putnam Memorial Hospital.

16 Q. And what did you do at First Cook then?

17 A. Cooked, ran the kitchen basically.

18 Q. And when did you start there?

19 A. 1969.

20 Q. And you worked -- when did you end at First  
21 Cook?

22 A. 1985, when I went to McGill.

23 Q. And were you working at First Cook at the same  
24 time as you were in the national guard?

25 A. Yes.

1 Q. And were you a cook continuously during that  
2 time?

3 A. Yes.

4 Q. What kind of food did they serve there? Did  
5 they serve.

6 A. It was a hospital. We served all kinds of  
7 food.

8 Q. And have you had any other jobs other than the  
9 ones we have discussed today?

10 A. You mean prior to the hospital job? I mean --  
11 yes.

12 Q. What was that?

13 A. I worked in a store when I was in high school,  
14 part-time.

15 Q. Do you recall what the store was?

16 A. I do.

17 Q. What was it?

18 A. Henry's Market now. It was Saiem's  
19 Supermarket then.

20 THE REPORTER: What supermarket?

21 THE WITNESS: Saiem's. Sorry.

22 BY MR. BARNES:

23 Q. And what did you do while you were there?

24 A. Whatever George and Henry wanted us to do.  
25 The brothers owned the store.

1 Q. So what sort of jobs would that entail?

2 A. Stocking shelves, carrying groceries out for  
3 customers. That kind of thing.

4 Q. Were there --

5 A. Running the register.

6 Q. Were there any other jobs you had besides that  
7 one that we have not discussed yet today?

8 A. Yes. I mean, before that I mowed lawns and  
9 did odd jobs for Richard Slingham.

10 Q. Was that while you were in high school?

11 A. It might even have been before high school.  
12 Yeah, it was a long time ago.

13 Q. And do you have any plans on retiring?

14 A. July 31st, 19 -- or 2018.

15 Q. And do you have any plans once you retire?

16 A. Yes.

17 Q. What are they?

18 A. My wife has a list, long list, and we're going  
19 to travel a little bit.

20 Q. What are some of the things on the list that  
21 you are hoping to do after retiring?

22 A. Oh, my God. She wants me to do work on the  
23 house, stuff like that, normal stuff. She  
24 would like me to clean the garage out so she  
25 can get her car in there. You know, normal

1           everyday stuff.

2           Q.   So would you call this a fun list or a chore  
3           list?

4           A.   It depends on whether the write-er or the  
5           write-ee.

6           Q.   You said you also plan on traveling a little  
7           bit?

8           A.   Yeah.

9           Q.   Do you have any specific plans to travel  
10          anywhere?

11          A.   We're going to take a week off and go to  
12          Westerly, Rhode Island, which is where we  
13          vacation normally.

14               And one of us wants to retire and go  
15          south, and the other one is just going to go  
16          along for the ride, but no. We want to  
17          investigate some southerly locations.

18          Q.   Who is the person that wants to move south?

19          A.   The one that doesn't like the snow.

20          Q.   Is that you or your wife?

21          A.   That would be my wife.

22          Q.   And you said you have a typical vacation spot?

23          A.   Yes.

24          Q.   Do you own a house there?

25          A.   No.

1 Q. Where do you stay when you vacation there?

2 A. We stay at a hotel.

3 Q. And approximately how -- how frequently do you  
4 travel there?

5 A. We go there at least once a year and usually  
6 twice.

7 Q. And how long do you stay?

8 A. When we go in the summer, we stay for seven or  
9 eight or nine days. When we go in the fall,  
10 we stay for two or three days.

11 Q. And when you retire, do you plan on staying  
12 longer?

13 A. Yes.

14 Q. How long?

15 A. A couple weeks at a time if we can.

16 Q. So I would like to talk a little bit more  
17 about your property now.

18 What is your home address?

19 A. 643 West Road.

20 Q. And is that a single family home?

21 A. It is.

22 Q. And do you own the home?

23 A. Almost.

24 Q. What do you mean by that?

25 A. I mean the bank has still got a little bit in

1           it. So we've got four more payments after I  
2           retire. So in November we will own it.

3       Q. And by we, do you mean you and your wife?

4       A. I do.

5       Q. Are there any other coowners?

6       A. No.

7       Q. And what is the home constructed out of?

8       A. Wood.

9       Q. And that's a wood -- wood frame?

10      A. Wood frame, yes.

11      Q. And wood on the sides as well?

12      A. The sides are -- I think they're cedar. I'm  
13      pretty sure cedar siding.

14      Q. And is your house painted?

15      A. Yes.

16      Q. What color?

17      A. White.

18      Q. And how many stories is your home?

19      A. Two.

20      Q. And how many bedrooms?

21      A. Five.

22      Q. How many bathrooms?

23      A. Two.

24      Q. And what type of flooring does your home have?

25      A. Hardwood floors upstairs. Carpeted



1           downstairs. It's a split level.

2           Q. And has that always been true for the entire  
3           time you have lived there?

4           A. Say it again.

5           Q. Has your home always had hardwood on the top  
6           floor and carpet on the bottom floor since --

7           A. Yes.

8           Q. -- you lived there?

9           A. Yeah.

10           MS. JOSELSON: Okay. You really need to  
11           wait until after he finishes his question --

12           THE WITNESS: Okay.

13           MS. JOSELSON: -- until you answer.

14           THE WITNESS: Okay.

15           MS. JOSELSON: Beth is shooting me looks  
16           that she can't write it down when you are both  
17           talking at the same time.

18           THE WITNESS: Okay.

19           MS. JOSELSON: Okay?

20           THE WITNESS: Yeah.

21           (Off-the-record colloquy.)

22           MR. WILSON: You have to pretend you're  
23           not a human being for the deposition and  
24           just...

25           BY MR. BARNES:

1 Q. And does your home have air conditioning?

2 A. No.

3 Q. Does it have fans?

4 A. Yes.

5 Q. Ceiling fans?

6 A. Yes.

7 Q. Does it have the stand-up fans as well?

8 A. Yes.

9 Q. So there is no central air conditioning  
10 system?

11 A. There is no central air conditioning.

12 Q. Why do you -- why are you hesitating a little  
13 bit on that?

14 A. Well, you asked me if I had air conditioning.  
15 No. So there's no central air conditioning.

16 Q. Do you have -- do you have any window units?

17 A. Yes.

18 Q. How many?

19 A. One.

20 Q. And what type of heating system do you have in  
21 your home?

22 A. Hot water, baseboard heat.

23 Q. And do you use a space heater as well?

24 A. I'm going to say no.

25 Q. Do you have a fireplace?

1 A. No.

2 Q. But you do have a chimney?

3 A. We do have a chimney.

4 Q. And do you have a septic tank?

5 A. There is a septic tank. We do not use it.

6 Q. Let me back up and ask, when did you purchase  
7 your home?

8 A. 1985.

9 Q. And since 1985, have you ever used the septic  
10 tank?

11 A. Yes.

12 Q. Approximately when was that?

13 A. From 1985 to -- I believe it was 2000 we  
14 hooked onto the sewer system, the town sewer  
15 system.

16 Q. And from 2000 to today you have been using the  
17 town sewer system?

18 A. Correct.

19 Q. And do you know the square footage of your  
20 home?

21 A. I do.

22 Q. What is that?

23 A. Approximately 2080, not counting the garage.

24 Q. Do you know when your home was built?

25 A. 1961.

1 Q. And has the address for your home ever changed  
2 since 1985?

3 A. Yes.

4 Q. When was that?

5 A. I don't recall.

6 Q. In 1985, what was the address of your home?

7 A. 63.

8 Q. That was 63 West Road?

9 A. Correct.

10 Q. And at some point it changed to 643 West Road?

11 A. 911, yes.

12 Q. What do you mean?

13 A. They changed the thing in Bennington and they  
14 changed some of the addresses for -- so they  
15 could find houses quicker, 911.

16 Q. I gotcha. And who currently lives at 643 West  
17 Road?

18 A. Myself, my wife, my daughter, and her  
19 boyfriend.

20 Q. And how old is your daughter?

21 A. 27.

22 Q. How old is her boyfriend?

23 A. I don't know.

24 Q. Has -- has she lived at this property with you  
25 continuously since she was born?

1 A. She has. Wait a minute. I have to -- no, she  
2 hasn't.

3 Q. And do you -- is your daughter a potential  
4 member of this class as well?

5 A. No, she is not.

6 Q. Has she ever had her blood tested for PFOA?

7 A. She has.

8 Q. Do you recall what those results were?

9 A. I don't.

10 Q. Do you recall if they were above a certain  
11 level?

12 A. No, I don't.

13 Q. And you said her boyfriend lives with you as  
14 well?

15 A. Yes.

16 Q. How long has he lived there?

17 A. I'm gonna -- I don't really know, but --  
18 because he's in and out, and he works nights.  
19 So it's like I go to bed early and get up  
20 early. So we are ships passing in the night.

21 Q. Does he -- did he move in in the last five  
22 years?

23 A. Yes.

24 Q. Did he move in in the last two years?

25 A. Yes.

1 Q. Last six months?

2 A. Yeah, probably something like that.

3 Q. And has anyone else lived in your home besides  
4 you and Mrs. Crawford, your daughter and her  
5 boyfriend?

6 A. Since 1985?

7 Q. Yes.

8 A. Yes. Our oldest daughter lived with us for a  
9 while.

10 Q. How old is your oldest daughter?

11 A. 50.

12 Q. And approximately when did she live with you?

13 A. I don't remember. She lived there for a  
14 summer while she worked in Williamstown.

15 Q. So just a few months?

16 A. Yeah, just a few months.

17 Q. And what is your oldest daughter's name?

18 A. Johnna.

19 Q. And what is your youngest daughter's name?

20 A. Chelsea.

21 Q. And her boyfriend's name?

22 A. Dallas.

23 Q. What's Dalla's last name?

24 A. I always call him Dallas Tortellini, but  
25 that's not his real last name, but it's close.

1 Q. And his last name sounds like Tortellini; is  
2 that what you mean?

3 A. No, it looks like Tortellini.

4 Q. Is he from Bennington?

5 A. No.

6 Q. Where is he from?

7 A. Pownal.

8 Q. Say that again?

9 A. Pownal.

10 Q. And have you lived at any other addresses in  
11 Bennington besides 643 West Road?

12 A. Yes.

13 Q. When was that?

14 A. Right after I was born.

15 Q. Do you recall the address?

16 A. No, but the street was Carrigan Lane.

17 Q. And approximately how far is Carrigan Lane  
18 from your current address?

19 A. Two and a half, three miles.

20 Q. And do you recall when you left that home?

21 A. Yes.

22 Q. When was that?

23 A. 1956.

24 Q. And where did you move in 1956?

25 A. Burgess Road, Bennington.

1 Q. And did you move with your family?

2 A. Yes.

3 Q. Who did you live with there?

4 A. My mother and father and eventually nine  
5 brothers and sisters.

6 Q. Are you the oldest of the nine?

7 A. I am not.

8 Q. What number are you in the --

9 A. Four.

10 Q. Four. Do all of your brothers and sisters  
11 still live in Bennington?

12 A. They do.

13 Q. And do they all live within sort of close  
14 proximity to your house?

15 A. No.

16 Q. Do you -- do you know if any of them are  
17 potential members of this class?

18 MS. JOELSON: Objection. Calls for a  
19 legal conclusion, but you can answer it if you  
20 understand it.

21 A. One might be, but I don't know for sure if he  
22 is or not.

23 BY MR. BARNES:

24 Q. And do you recall how much you paid for your  
25 home?



1 A. I do.

2 Q. How much was that?

3 A. \$58,500.

4 Q. And was that in 1985?

5 A. It was.

6 Q. And how did you finance that purchase?

7 A. Through what was then the Bennington Savings  
8 and Loan.

9 Q. Was that a mortgage?

10 A. Yes.

11 Q. And how much was the mortgage total?

12 A. I think it -- boy, hmm. It was 55,000.

13 Q. And have you paid that mortgage off?

14 A. Yes.

15 Q. When was that?

16 A. I don't recall.

17 Q. Was it within the last ten years?

18 A. It would have been a little more than ten  
19 years ago.

20 THE VIDEOGRAPHER: Excuse me. I'm  
21 getting cell phone really bad.

22 Okay. Could you ask that question again?

23 BY MR. BARNES:

24 Q. Did you pay your mortgage off that you  
25 received in 1985 within the last ten years?

1       A.   A little longer than ten years ago.   We  
2           remortgaged through Heritage Family Credit  
3           Union.

4       Q.   You remortgaged, when was that?

5       A.   A little more than ten years ago.   It was a  
6           ten-year mortgage.   It's all done in November.

7       Q.   Would that be around 2004 maybe?

8       A.   Say it again.

9       Q.   Would that be -- do you recall a more specific  
10          date?

11      A.   No.

12      Q.   When you received your mortgage in 1985, did  
13          you receive an appraisal for your home?

14      A.   Yes.

15      Q.   Do you recall what -- what the value was?

16      A.   61,000 and change.

17      Q.   And have you ever obtained a home equity loan?

18      A.   No.

19      Q.   Have you ever obtained a line of credit?

20      A.   Not that I am aware of.

21      Q.   And besides the time you refinanced your  
22          mortgage approximately ten years ago, have  
23          there been any other times you refinanced your  
24          mortgage?

25      A.   Yes.

1 Q. When was that?

2 A. 1994.

3 Q. And do you recall how much that was for?

4 A. No.

5 Q. Were there any other times?

6 A. Not that I recall.

7 Q. And after you received the appraisal in 1985,

8 have you received any additional appraisals

9 since then?

10 A. Yes.

11 Q. How many?

12 A. Two.

13 Q. When was the first one?

14 A. 1999.

15 Q. And do you recall what the value was on the

16 home?

17 A. Wait a minute. Was it '99? Hum. I think it

18 was '92, and it was for 99,000.

19 Q. And do you recall who -- which bank that was

20 through?

21 A. That was the Bank -- well, it was the Bank of

22 Bennington then.

23 Q. And the second time you received an appraisal,

24 when was that?

25 MS. JOELSON: Object to the form, but

1           you can answer.

2           A.   I think it was 2004, and that was for 136,5.

3           BY MR. BARNES:

4           Q.   And who was that -- who conducted the  
5           appraisal?

6           A.   Again the Bank of Bennington.

7           Q.   And when was the last time your property was  
8           apprised?

9           A.   That would have been that, '94 or -- yeah, not  
10          '94.   2004, sorry.   2004.

11          Q.   And have you ever allowed others to use your  
12          home as collateral for a loan?

13          A.   No.

14          Q.   Do you own any other real property besides  
15          your home at 643 West Road?

16          A.   No.

17          Q.   You don't own a second home?

18          A.   No.

19          Q.   And the property at 643 West Road, is it in a  
20          neighborhood?

21                MS. JOSELSON:   Objection but you can  
22          understand -- answer it if you understand.

23          A.   Is it in a neighborhood?   Yes.

24          BY MR. BARNES:

25          Q.   Could you sort of describe the roads around

1           your house?

2           A.   Route 9, also known as West Road, goes in  
3           front of our house, and Jennings Drive, a  
4           small street with maybe eight or ten houses on  
5           it, goes around our house and loops back onto  
6           Route 9.

7           Q.   So your house is sort of encircled by Jennings  
8           Road?

9           A.   Jennings Drive.

10          Q.   Jennings Drive.

11          A.   Yes.

12          Q.   And approximately how many homes are on  
13           Jennings Drive and your stretch of West --  
14           West Road?

15               MS. JOSELSON:   Objection, but you can  
16           answer.

17          A.   Ten or 12 I will say.

18               BY MR. BARNES:

19          Q.   And how large is your lot?

20          A.   It's 1.4 acres.

21          Q.   And are those homes that you recall, are they  
22           on similar sized lots?

23          A.   Yes, except for one. One is on a double lot.

24          Q.   And how big is that lot, double lot, would you  
25           estimate?

1 A. I don't know. It's a double lot. That's what  
2 the owner always told me. It's a double lot.

3 Q. And do all of these other homes have two  
4 stories as well?

5 A. No.

6 Q. About how many have two stories?

7 A. It's seven or eight.

8 Q. And how many would be one-story homes?

9 A. The rest.

10 Q. And are all of these homes also constructed  
11 out of wood?

12 A. Yes.

13 Q. Are any constructed out of brick?

14 A. No.

15 Q. Are any constructed out of stone?

16 A. No.

17 Q. And do all of the homes on your street have  
18 the same number of bedrooms that your home  
19 has?

20 A. I wouldn't know that.

21 Q. Do you -- have you ever been inside any of  
22 those other homes?

23 A. Yes.

24 Q. Which ones?

25 A. The one to the east of us, the one -- next one

1 past that, the one to the west of us, and the  
2 one directly behind us.

3 Q. Would that be your two next door neighbors?

4 A. Correct, and the one removed, west toward --  
5 or I'm sorry -- east, toward Bennington.

6 Q. And let's start with the neighbor to the east  
7 of your home.

8 How many bedrooms does that home have?

9 A. I don't know. I have been inside it, but I  
10 haven't been, you know, like through it.

11 Q. Do you recall how many stories that home has?

12 A. That's a single-story house.

13 Q. And the one to the west, your other next door  
14 neighbor, do you know how many bedrooms  
15 that --

16 A. I do not, no.

17 Q. And how many -- and how many stories does that  
18 home have?

19 A. Single-story house.

20 Q. Do -- do you know if any of the homes have the  
21 same number of bathrooms as your house does?

22 A. I don't.

23 Q. Do you know if those other homes have the same  
24 square footage as your home does?

25 A. I do not.

1 Q. How many would you estimate have more square  
2 footage than your home?

3 A. Umm.

4 Q. You can answer.

5 A. I didn't know what the bird was for a second.

6 How many have more. I would guess  
7 only -- I'm going to estimate only one.

8 Q. And so the rest all have less square footage  
9 than your home does?

10 A. They are smaller, yes.

11 Q. And were all the homes in your -- in the area  
12 that you're describing, were they all built in  
13 1960 -- in the 1960s?

14 A. I don't know that.

15 Q. Were some of them built after 1985 when you  
16 moved in?

17 A. Yes.

18 Q. Approximately how many?

19 A. One.

20 Q. And were -- do you know if any of these other  
21 homes were built before your home?

22 A. I don't know that.

23 Q. And what type of home do you have? For  
24 instance, colonial, ranch, or split level?

25 A. It's -- I think technically it's a raised



1 ranch, is what it's called.

2 Q. And are all the homes on your street that same  
3 raised ranch style?

4 A. No.

5 Q. What would you describe those as?

6 A. Well, several are just single-story houses. A  
7 couple of them are two-story houses. I  
8 believe there's only one more split level  
9 raised ranch, if you will.

10 Q. And do all -- do any of the homes in your area  
11 have central air conditioning?

12 A. I don't know.

13 Q. Do you know if those homes have window units  
14 as well?

15 A. I don't.

16 Q. Do you have any idea if those homes have  
17 baseboard heating?

18 A. No, I don't.

19 Q. Do you have any idea of what type of heating  
20 systems the other homes have at all?

21 A. No, I don't really. No. I would -- I  
22 would --

23 MS. JOELSON: Don't guess. If you know.

24 A. I don't know.

25 BY MR. BARNES:

1 Q. Do you know if any of the homes on your street  
2 have fireplaces?

3 A. Yes.

4 Q. Approximately how many would you say?

5 A. I know of one.

6 Q. And you are not sure about the rest?

7 A. Correct.

8 Q. And are there any commercial properties  
9 located near your home?

10 A. You'll have to define near.

11 Q. Within a quarter mile of your home.

12 A. Yes.

13 Q. What types?

14 A. Camelot Village is across the street, which is  
15 a retail, antique sort of place.

16 And then the one west toward New York  
17 State, we have Geannelis's Animal Hospital,  
18 Mount Anthony Veterinarian.

19 Q. Are there any others?

20 A. No.

21 Q. Are there museums near your house?

22 A. Define near.

23 Q. What is the closest museum to your house?

24 A. Bennington Museum.

25 Q. And approximately how far is that?

1 A. It's -- I would say it's about a mile or so.

2 And there is one other quasi museum, but  
3 it's not really classified as a museum. It's  
4 a covered bridge museum, which is about a  
5 quarter mile to the west.

6 Q. And what do you mean by a covered bridge  
7 museum?

8 A. Just that. It's a big old covered bridge.  
9 It's got covered bridges inside it, pictures  
10 and little scale models and...

11 Q. And is there an art center near your house?

12 A. Right next to the covered bridge museum.

13 Q. And what about an assisted living facility?

14 A. A little further west.

15 Q. Any hotels?

16 A. No.

17 Q. How about religious institutions?

18 A. Say again.

19 Q. Religious institutions, churches, mosques?

20 A. We got a specified distance?

21 Q. Within a quarter mile let's say.

22 A. No.

23 Q. How about within a half mile?

24 A. Barely.

25 Q. Which one is that?

1 A. That's the old First Church in Old Bennington.

2 Q. Approximately how far is that?

3 A. It's approximately a half mile and a couple  
4 shakes.

5 Q. What about any government buildings?

6 A. No.

7 Q. Any post offices?

8 A. No.

9 Q. Schools?

10 A. How close?

11 Q. Within half a mile.

12 A. No.

13 Q. Police stations?

14 A. No.

15 Q. Fire stations?

16 A. Yes.

17 Q. Where is the fire station located?

18 A. West of my house. About, I would estimate, 7  
19 or 800 feet.

20 Q. What about libraries?

21 A. No.

22 Q. Is there an airport near your home?

23 A. How near?

24 Q. Within a mile.

25 A. Yes.

1 Q. Which airport is that/?

2 A. Bennington Airport.

3 Q. And does that also go by the William Morse  
4 Airport?

5 A. Yes.

6 Q. What do people typically call it?

7 A. The airport.

8 Q. The airport.

9 And where is that located?

10 A. North and west of us.

11 Q. And from your property can you hear airplanes  
12 taking off and landing?

13 A. Yes.

14 Q. Do you know if that airport is a public or  
15 private airport?

16 A. I do not know. I believe it's a state  
17 airport, so that would make it public.

18 Q. And approximately how big is that airport?

19 A. No idea.

20 Q. Have you ever flown out of it?

21 A. I have not.

22 Q. Do you know if -- how many flights depart from  
23 it?

24 A. No.

25 Q. On a typical day, how often would you hear the

1 planes landing or taking off?

2 A. It depends on whether it's a weekend or a  
3 weekday.

4 Q. Let's say on the weekend.

5 A. On the weekend? Two to three generally.

6 Q. And on the weekday?

7 A. I'm not home. I don't know.

8 Q. And was the airport there when you purchased  
9 your home in 1985?

10 A. It was.

11 Q. And at the time you bought your home in 1985,  
12 were you at all concerned about the presence  
13 of the airport?

14 A. No.

15 Q. And has the airport expanded at all since  
16 1985?

17 A. I don't know.

18 Q. Are you aware of any proposed expansions to  
19 the airport?

20 A. I know they are working on the runway, but I  
21 don't know if they are expanding it. I think  
22 they are just resurfacing it.

23 Q. Do you believe the airport detracts from your  
24 property value at all?

25 A. No.

1 Q. Why not? Why not?

2 A. There's never been an accident or anything, so  
3 I can't -- I don't know. I don't think it  
4 would bother anybody.

5 MS. JOSELSON: So it's been about an  
6 hour. Can we take a break?

7 MR. BARNES: Do you mind if I go ahead  
8 and ask a few more questions related to this?

9 MS. JOSELSON: To the airport?

10 MR. BARNES: Mm-hmm.

11 MS. JOSELSON: Well, we're not in the  
12 middle of a question.

13 MR. BARNES: Take a break right now?

14 MS. JOSELSON: Yeah.

15 THE VIDEOGRAPHER: The time approximately  
16 10:30 a.m. Going off the record.

17 (Brief recess taken.)

18 THE VIDEOGRAPHER: The time is now  
19 approximately 10:50 a.m. Going back on the  
20 record.

21 BY MR. BARNES:

22 Q. Are you ready to begin again, Mr. Crawford?

23 A. Yes.

24 Q. And so before the break we were discussing the  
25 airport, the Bennington Airport close by your

1 house.

2 MR. BARNES: Can I mark this as  
3 Exhibit 1?

4 (Deposition Exhibit No. 1 was marked for  
5 identification.)

6 MS. JOELSON: Object to the form but  
7 you -- go on.

8 BY MR. BARNES:

9 Q. So, Mr. Crawford, I'm handing you what has  
10 been marked as Exhibit 1. You can take a  
11 moment to look it over and let me know when  
12 you are ready.

13 A. (Witness complying). Yeah. Go ahead.

14 Q. And at the top of the document do you see what  
15 that says? It says Bennington Banner?

16 A. Yeah.

17 Q. In parentheses VT.

18 Did I read that correctly? Did I read  
19 that correctly?

20 A. Yes, Bennington Banner.

21 Q. And it's dated October 8, 2005, right?

22 A. Yes.

23 Q. And the next line says, section, letters.  
24 Correct?

25 A. Correct.



1 Q. And the line after that says letters to the  
2 editor, and -- right?

3 A. Yes.

4 Q. Thank you.

5 And about halfway down the page there's a  
6 box that says -- titled Airport Q and A, and  
7 the bottom of that box is a name, Theodore  
8 Crawford.

9 Do you see that?

10 A. I do.

11 Q. Do you recall writing a letter to the editor  
12 in 2005?

13 A. Not particularly but it looks like I did.

14 Q. Do you know what this letter is about?

15 A. Yes.

16 Q. And what was that?

17 A. At the time they were going to expand the  
18 airport and allow jets, light jets as it were.

19 Q. And how did you feel about that?

20 A. Not too crazy.

21 Q. What do you mean by that?

22 A. Jets are, one thing, very noisy. The other  
23 thing is they tend to be big. Bigger than the  
24 planes that are in there now. So, yeah, hence  
25 the letter.

1 Q. And prior to 2005, you -- did you have issues  
2 with the noise from the airport?

3 A. No.

4 Q. Did you -- could you hear the airplanes flying  
5 prior to 2005?

6 A. Yes.

7 Q. And did you have any concerns about the noise  
8 level from the airport prior to 2005?

9 A. Not the noise level, no.

10 Q. And when you heard about this proposed  
11 expansion, what were you feeling?

12 MS. JOSELSON: Objection. Asked and  
13 answered, but you can answer it again.

14 A. We didn't like it because they were -- for a  
15 lot of the reasons, but the ones I mentioned  
16 in here.

17 BY MR. BARNES:

18 Q. Okay. I'm going to -- in the second paragraph  
19 of that box, I'm going to read one of the  
20 sentences. It says: Most of the planes using  
21 Morse Airport are single-engine planes. An  
22 average jet likely to use the airport, as  
23 listed in the consultant's, parentheses, the  
24 LearJet 35, end parentheses, comma, has a  
25 noise level 100 times that of the average

1 single piston engine, parentheses, Cirrus SR  
2 20, closed parentheses, period. The noise  
3 factor is all the more significant because  
4 this is a rural area.

5 Did I read that correctly?

6 A. Yes.

7 Q. Do you -- let me withdraw. Let me rephrase  
8 that.

9 What did -- what does that mean by the  
10 noise factor is more significant in rural  
11 areas?

12 A. Well, if you are going to have a jet that's  
13 100 times noisier than a plane, it's going to  
14 be significant in any kind of area, but our  
15 area is a rural area, what we consider to be  
16 rural.

17 Q. And so in your opinion, because it's a rural  
18 area, these larger airports can cause more  
19 problems. Is that fair to say?

20 A. They're just noisier.

21 Q. And the next paragraph about -- in the middle  
22 of that paragraph, it says: A longer runway  
23 put neighbors, particularly to the east of the  
24 runway, at risk.

25 What does that mean to you?

1       A.   That means depending on which way the wind is  
2           blowing.  They take off in a certain  
3           direction.  Generally they go from the west to  
4           the east because of the way the wind blows.

5       Q.   And do you recall what the proposed expansion  
6           was to the airport?

7       A.   No.

8       Q.   And why does the direction that the airplanes  
9           are taking off put a greater risk to people  
10          towards the east of the runway?

11      A.   Because most accidents are either a take off  
12          or a landing accident.

13      Q.   So you believe that if they were to expand it  
14          farther east the closer houses would be at  
15          greater risk.  Is that fair to say?

16      A.   Correct.

17      Q.   And the next paragraph says:  Property values  
18          will be affected by the airport and already  
19          have been.  Yes, they have gone up, but have  
20          they gone up as fast as the east end of  
21          Bennington or rural areas in North Bennington  
22          and Shaftsbury?  We don't think so.  They  
23          would have gone up much faster without the  
24          airport.

25               Did I read that correctly?

1 A. You did.

2 Q. And in 2005, did you believe that the airport  
3 had negatively impacted your property values?

4 A. I believe it had the potential to negatively  
5 do that, yes, especially if they expanded.

6 Q. Why did it have that potential?

7 A. Because if they expanded, it was going to be  
8 noisier, for one thing. And jets burn a  
9 different fuel than regular motors for  
10 airplanes, so you're going to have that too.

11 Q. And what do you mean by that?

12 A. You'll have exhaust fumes.

13 Q. Were you concerned about the noise of that or  
14 the health effects of that?

15 A. Both.

16 MS. JOELSON: Object.

17 THE WITNESS: Oh, sorry.

18 BY MR. BARNES:

19 Q. You can answer.

20 A. Both.

21 Q. And when this letter says, property values  
22 will be affected by the airport and already  
23 have been, do you still agree with that; that  
24 your property values has been negatively  
25 impacted by this airport?

1 MS. JOSELSON: Object to the form.

2 BY MR. BARNES:

3 Q. You can answer.

4 A. Just re-ask that question, would you please?

5 Q. When you say -- when you said property values  
6 have already been affected, do you still  
7 believe that today?

8 MS. JOSELSON: Same objection but can you  
9 answer it.

10 A. I think they would be affected by it if they  
11 expanded the airport, yes.

12 BY MR. BARNES:

13 Q. And had they expanded the airport prior to  
14 2005?

15 A. Not that I was aware of, no.

16 Q. So without any expansions, do you believe  
17 today that that airport has affected your  
18 property value at all?

19 A. I'm not sure how to answer that.

20 Q. And what do you mean, you don't have an  
21 opinion about it?

22 A. You've got like two things going on there.  
23 Rephrase that, please.

24 Q. When you say you don't have -- you don't know  
25 how to answer that, do you mean is the

1 question unclear or you just don't have an  
2 opinion about whether or not the airport has  
3 affected your property values?

4 A. You're still asking two questions.

5 Q. Do you have an opinion about whether or not  
6 the airport has affected your property values?

7 A. Yes.

8 Q. And what is that opinion?

9 A. If they did the runway expansion, it would, I  
10 think, negatively affect us. They didn't. So  
11 as of right now I don't think it does.

12 Q. And when you wrote this letter in 2005, was  
13 it -- withdrawn.

14 When you wrote this letter in 2005, was  
15 it true that your property had been affected  
16 by the airport?

17 MS. JOELSON: Objection. You can answer  
18 it.

19 A. I am not sure if it was the airport, but in  
20 2005, property values did go down in that --  
21 around that time period.

22 BY MR. BARNES:

23 Q. And do you know of any other reasons why  
24 property values might have gone down in that  
25 time period?

1 A. No, just general economics.

2 Q. What do you mean by that?

3 A. I mean I believe that in that time people were  
4 having -- were struggling. Jobs were down.  
5 We were in an economic downturn.

6 Q. But in this letter you had stated that the  
7 airport had affected property values prior to  
8 the expansion, right?

9 MS. JOSELSON: Objection. Asked and  
10 answered. You can answer it again if you  
11 understand it.

12 A. Say it again.

13 BY MR. BARNES:

14 Q. In this letter, you stated that your property  
15 values were impacted by the airport in 2005  
16 prior to the expansion; is that correct?

17 MS. JOSELSON: Objection.

18 A. I didn't say mine. I said property values.

19 Q. Generally in Bennington?

20 A. Generally.

21 Q. And when --

22 A. In close proximity but not necessarily mine.

23 Q. Close proximity to what?

24 A. To the airport.

25 Q. So was it not true then that property values



1 will be affected by the airport and already  
2 have been?

3 MS. JOELSON: Objection. Asked and  
4 answered. Argumentative. You can answer it  
5 again if you understand it.

6 A. I don't understand it.

7 BY MR. BARNES:

8 Q. Just to clarify, in 2005, was it -- did you  
9 not believe that property values already had  
10 been affected by the airport?

11 MS. JOELSON: Objection.

12 A. Not believe. I had thought that they could  
13 be, yes.

14 BY MR. BARNES:

15 Q. And in 2005, did you also believe that it was  
16 affecting homes closer to the airport than  
17 those homes that are farther apart from the  
18 airport?

19 MS. JOELSON: Objection. Asked and  
20 answered. Objection to form. You can answer  
21 it again.

22 A. The airport information that we got at that  
23 time showed a safety cone that went -- like a  
24 diagonal, like a piece of pie, and the closer  
25 you got to the airport, the closer you were to

1 the center of that. The less safe you were.

2 BY MR. BARNES:

3 Q. So you believe that those within that cone  
4 were likely more affected by the airport than  
5 the homes that were outside the cone?

6 A. Correct.

7 Q. And is your home in the cone that you  
8 described?

9 A. Yes.

10 Q. And approximately how close is it to the cone?

11 A. I don't remember.

12 Q. And when you say we don't think so, do you  
13 recall who you were referring to by we?

14 A. No, I don't.

15 Q. And you had said earlier that you are not sure  
16 if your house was affected; is that correct?

17 Let me rephrase. Withdraw that.

18 Earlier you had said that property values  
19 might have been affected by the airport but  
20 you weren't necessarily saying yours was  
21 affected; is that correct?

22 A. Correct.

23 Q. And is it your opinion that your home was the  
24 only one not affected?

25 MS. JOELSON: Object to the form. Asked

1           and answered. You can answer it again if you  
2           understand it.

3           A. I understand but I don't know. How would I  
4           know?

5           BY MR. BARNES:

6           Q. Just asking for your opinion.

7           A. Oh. But how would I know other people's...

8                   MS. JOSELSON: Just say you don't know.

9           A. I don't know.

10          BY MR. BARNES:

11          Q. Thank you.

12                   And sort of discussing your neighborhood  
13           generally, what community value -- what --  
14           pardon me. Let me rephrase.

15                   What community amenities would you say  
16           increases the value of your property?

17                   MS. JOSELSON: Objection. You can  
18           answer.

19          A. We are close to town, close to the hospital.  
20           It's a quiet neighborhood. Everybody has a  
21           large lot. Close to the museum, both of them.  
22           Close to the fire house, which is good in case  
23           of a fire.

24          BY MR. BARNES:

25          Q. Is there anything else?

1 A. No, not that I can think of at this time.

2 Q. Were you recommending visiting the bridge  
3 museum?

4 A. I have been there. Yes, I would. It's  
5 different.

6 Q. I'll have to check it out.

7 Are there any other factors in your  
8 community that you think detracts from the  
9 property value of your home?

10 MS. JOSELSON: Objection.

11 A. Only that we're in the PFOA zone.

12 BY MR. BARNES:

13 Q. Is there anything else?

14 A. No.

15 Q. When did -- just to backtrack a little bit  
16 about your history of living in Bennington.  
17 We had discussed two homes you lived with your  
18 family, but I realize I didn't follow through  
19 to connect it all the way to 1985.

20 So would you remind me when you left that  
21 second home with your family?

22 MS. JOSELSON: Object to the form. You  
23 can answer if you understand it.

24 A. The one on the Burgess Road?

25 BY MR. BARNES:

1 Q. Yes, please.

2 A. Yes. I went to South Street.

3 Q. And what year was that?

4 A. '70 -- 1970 or 1971.

5 Q. And how long did you live on South Street for?

6 A. Approximately 12 years.

7 Q. And so that would mean you moved out around  
8 1982, '83?

9 A. Correct.

10 Q. Where did you move to?

11 A. Evergreen Drive.

12 Q. And did you live with your family at Evergreen  
13 Drive?

14 A. No, I lived with Linda.

15 Q. And how long did you live at Evergreen Drive  
16 for?

17 A. Until 1985.

18 Q. And did you own that home or rent it?

19 A. We rented it.

20 Q. And did you rent it -- and were you looking  
21 for a home while you were renting?

22 A. Yes.

23 Q. And prior to that, when you moved in with  
24 Linda, were you living with your family still?

25 MS. JOELSON: Objection, but you can

1           answer it.

2           A.   I lived for a brief time with my brother.

3           BY MR. BARNES:

4           Q.   Do you recall when that was?

5           A.   When?

6           Q.   When.

7           A.   No, not really.

8           Q.   And when you acquired your home in 1985, who  
9           did you buy it from?

10          A.   Hoisington.

11          Q.   And who was that?

12          A.   Where was it?

13          Q.   Apologizes. Who did you buy the property  
14          from?

15          A.   Hoisington.

16          Q.   Is that a company?

17          A.   They are a real estate agent.

18          Q.   Did you -- were there previous residents in  
19          the home at that time?

20          A.   Yes.

21          Q.   Do you recall who that was?

22          A.   No. I know their first names, John and Jane.  
23          Doherty. I'm sorry. Doherty.

24          Q.   John -- John and Jane Doherty were the  
25          residents in the home prior to you moving in?

1 A. Correct.

2 Q. And do you know if they lived there  
3 continuously from 1961 to 1985?

4 A. I don't know.

5 Q. Do you know if there were any other residents  
6 besides the Dohertys?

7 A. I don't know.

8 MS. JOSELSON: When? Ever?

9 MR. BARNES: Since 1961.

10 MS. JOSELSON: Okay.

11 A. No, I don't know.

12 BY MR. BARNES:

13 Q. And do you know if they owned the property?

14 A. Who are they, John --

15 Q. The Dohertys?

16 A. They were at the closing, so I assume they  
17 owned it, yes.

18 Q. And how was title transferred, by general  
19 warranty deed, quitclaim?

20 A. Both.

21 Q. What do you mean by that?

22 A. We got a general title, and then Linda was --  
23 we weren't married, so we got a quitclaim.

24 Q. And when did you get the general title?

25 A. When we purchased the home.

1 Q. In 1985?

2 A. '85.

3 Q. And when did you get the -- when did you get  
4 the quitclaim?

5 A. I don't remember exactly.

6 Q. Was it a few years after 1985?

7 A. Yeah, it was after.

8 Q. And I want to talk a little bit about the  
9 physical description of your land.

10 Do you have a front yard?

11 A. Do we have a front yard?

12 Q. Front yard.

13 A. Yes.

14 Q. Approximately how big is it?

15 A. I would say it's about a third of the  
16 property. It's about -- I would estimate it  
17 to be 120 feet deep and about 220 feet wide.

18 Q. And so your home is set back from West Road  
19 approximately 120 feet?

20 A. Correct.

21 Q. And so you have a long driveway?

22 A. It's about 120 feet.

23 Q. And do you know what the driveway is made out  
24 of?

25 A. Yes.



1 Q. What is that?

2 A. Gravel.

3 Q. And has it always been made out of gravel  
4 since you moved into the home in 1985?

5 A. Yes.

6 Q. And what about a backyard, do you have a  
7 backyard?

8 A. We do.

9 Q. Approximately how big would you say that is?

10 A. I would say -- I would estimate that to be  
11 about 70 feet wide and about 110 feet long.

12 Q. And your front yard, is it covered in grass?

13 A. Yes.

14 Q. Anything else, concrete? Is there any other  
15 surface of your front yard other than grass?

16 A. There is a small flower garden and a very,  
17 very large willow tree.

18 Q. What was that last part?

19 A. Very, very large willow tree.

20 Q. And what about the backyard? Similar?

21 A. Similar.

22 Q. And do you have any wooded property on your  
23 property as well?

24 A. Yes.

25 Q. Your yard? And how large is that?

1 A. I would estimate that to be about 40 feet wide  
2 and about 60 feet deep.

3 Q. And what is directly in front of your home?

4 A. A field.

5 Q. Is there anything built on the field?

6 A. No, it's a field.

7 Q. Just empty?

8 A. Yes.

9 Q. Approximately how big is that?

10 A. I don't know. I would estimate that to be  
11 about three acres.

12 Q. And do you know who owns that field?

13 A. I do not.

14 Q. And what is directly behind your home?

15 A. Well, there is parts of three houses.

16 Q. What do you mean by parts of three houses?

17 A. There is a house partly borders us on the  
18 east, partly -- one right directly behind us  
19 and partly one on the west.

20 Q. I see. What about on the side of your home?

21 A. Two houses, one on each side.

22 Q. And is your land flat or does it slope in any  
23 way?

24 A. It's basically flat. There's a bank on the  
25 side of the road, the highway.

1 Q. And -- and the neighboring properties, do they  
2 all have similar-sized front yards?

3 A. No.

4 Q. What are the differences between their yards  
5 and yours?

6 A. The one to the east is larger and the one to  
7 the west is smaller.

8 Q. What about behind you?

9 A. Those are backyards, of course.

10 Q. Those houses' front yards, do you know how big  
11 they are compared to yours?

12 A. Yes.

13 Q. Are they bigger than your front yard?

14 A. No. Those three houses are smaller.

15 Q. And the houses to each side of your house, are  
16 they bigger front yards than yours?

17 A. I thought I answered that already.

18 Q. Just to clarify.

19 A. Okay. The house to the east is larger. The  
20 house to the west is smaller.

21 Q. And do they both, the houses on the east and  
22 west, have backyards as well?

23 A. Yes.

24 Q. And are those backyards bigger or smaller or  
25 the same size as yours?

1       A.   The house to the east is the double lot one,  
2       so it's larger.   The house to the west has  
3       some wooded area.   I would say the backyard, I  
4       would estimate them to be about the same.

5       Q.   And does every house neighboring your property  
6       have grass in their yards?

7       A.   Yes.

8       Q.   Is any covered with sand?

9       A.   No.

10      Q.   Or rocks?

11      A.   Not that I am aware of.

12      Q.   And do they -- are they all as far set back  
13      from the main road as your house is?

14      A.   The one on the west side is a little closer, I  
15      would estimate.

16      Q.   And what about on the east side?

17      A.   The east side is about the same as ours.

18      Q.   And in your estimation, what about the houses  
19      behind you?

20      A.   They are closer to Jennings Drive.   Those  
21      houses are on Jennings Drive.

22      Q.   Is there a well on your property?

23      A.   Yes.

24      Q.   And where on your property is the well  
25      located?

1 A. It's about 12 feet from the rear of the house.

2 Q. And do you know how deep it goes?

3 A. I do.

4 Q. How deep is that?

5 A. 310 feet.

6 Q. And do you know what it's made of?

7 A. It's a drilled well. The first several feet  
8 are casing, metal casing.

9 Q. And what about below that?

10 A. No idea.

11 Q. And is this your only source of water?

12 A. It is.

13 Q. And is the well the source of all the running  
14 water in your home?

15 A. Yes.

16 Q. And what maintenance do you perform on your  
17 well?

18 A. We have it -- have had it checked for  
19 potability, but other than that, it's a closed  
20 well. There's no maintenance needed.

21 Q. And when did you do that check?

22 A. I don't remember the last time.

23 Q. Was it within the last ten years?

24 A. I don't remember.

25 Q. Do you remember how much that cost?

1 A. No, I don't.

2 Q. Do you remember if you paid for it?

3 A. I honestly don't know.

4 Q. Have you had to replace any parts of your well  
5 since you moved into your house in 1985?

6 A. Yes.

7 Q. What was that?

8 A. We had a jet pump, and we replaced it with a  
9 submersible pump in 2000.

10 Q. And approximately how deep was the jet pump?

11 A. 180 feet. No, excuse me. The jet pump was in  
12 the basement, but we call that a utility room,  
13 downstairs. And the tubes that -- a jet pump  
14 works with -- I don't know if you -- it pushes  
15 water down to push it up. So it's a two --  
16 two-pipe system. And that's what we had, and  
17 the pump gave out. So we put a submersible  
18 in.

19 Q. And have you been using that submersible pump  
20 ever since you installed it?

21 A. Yes.

22 Q. Have you had to do any further maintenance on  
23 the pump since then?

24 A. On the pump, no.

25 Q. And do you remember how much it cost to

1 install the new pump?

2 A. Yes.

3 Q. How much was that?

4 A. \$3,000.

5 Q. And do you remember how you paid for it?

6 A. Credit card.

7 Q. And prior to January 2016, did you ever try to  
8 get connected to the municipal water system?

9 A. No.

10 Q. And why not?

11 A. For -- when they first ran the line, we  
12 couldn't connect because of a grant or  
13 something they had to run it, and that was  
14 about the same time we had to fix my well. So  
15 we fixed the well. We're not real crazy about  
16 town water.

17 Q. And why is that?

18 A. Because it's chlorinated heavily sometimes and  
19 the fluoride issue.

20 Q. And with regard to the chlorinated issue, what  
21 are your concerns about chlorinated water?

22 A. It's very strong sometimes.

23 Q. So is it a taste issue?

24 A. Taste, smell.

25 Q. Do you have any health concerns about that

1 water?

2 A. No.

3 Q. And what do you mean by the fluorinated issue?

4 A. We've had federal battles about putting  
5 fluoride in the water here in town, which we  
6 won. So there is no fluoride in Bennington's  
7 water.

8 Q. And do you recall when those battles were?

9 A. No, not right offhand.

10 Q. Were there any in the last ten years?

11 A. Yes.

12 Q. Do you recall approximately when it was?

13 A. No.

14 Q. And are you now seeking to have your property  
15 connected to municipal water?

16 A. Yes.

17 Q. And why is that?

18 A. Because we are in the zone of contamination  
19 and our well was tested at 4.1 and then again  
20 at 3, and it's fluctuating all over the place,  
21 this PFOA. And who knows what it is today.  
22 You never know what it is from day to day.

23 Q. And do you believe connecting to municipal  
24 water will increase your home value?

25 MS. JOELSON: Objection.



1 MR. SILVER: Increase it from what?

2 MR. BARNES: I'll see if he can answer.

3 And if he needs me to clarify, I will.

4 A. I'm not sure.

5 BY MR. BARNES:

6 Q. Do you believe currently being connected to  
7 the well has affected your property value?

8 A. Only because it's got PFOA in it, yes.

9 Q. And so do you believe that connecting to the  
10 municipal water source will increase the  
11 property value?

12 MS. JOSELSON: Same objection.

13 A. I don't know if it will increase it or not,  
14 but the PFOA is the problem. That's still  
15 going to be there.

16 BY MR. BARNES:

17 Q. And besides your home and your well and the  
18 driveway, what other physical features are on  
19 the outside of your property?

20 MS. JOSELSON: Objection. Asked and  
21 answered. You can answer it again.

22 A. I'm not sure I understand what you mean.

23 BY MR. BARNES:

24 Q. Are there any hedges?

25 A. We have some bushes; we have some trees.

1 Q. And do you have any vegetable gardens?

2 A. We did.

3 Q. And when was that?

4 A. Previous years. We always had a little garden  
5 patch.

6 Q. Do you recall when the last time you had a  
7 garden patch was?

8 A. Last year.

9 Q. And what did you grow?

10 A. Asparagus.

11 Q. Anything else?

12 A. Not last year, no.

13 Q. Did you grow it to eat yourself?

14 A. Say it again?

15 Q. Did you grow the asparagus to eat or to sell?

16 A. Eat.

17 Q. And did you eat the asparagus you grew last  
18 year?

19 A. I don't like asparagus.

20 Q. Does your wife?

21 A. Very much so.

22 Q. Who decides to grow asparagus?

23 A. I did.

24 Q. For your wife?

25 A. Yes.

1 Q. And is your garden -- how large would you say  
2 it is, or how large would you say your garden  
3 was? Excuse me.

4 A. I would estimate it to be about 12 by 16 feet.

5 Q. And how did you water it?

6 A. Hose.

7 Q. Is that connected to the well water?

8 A. Yes.

9 Q. And prior to last year, did you grow any other  
10 type of vegetables?

11 A. Yes.

12 Q. What kinds?

13 A. We had tomatoes for several years until the  
14 deer ate them. Carrots. We tried beets.  
15 They didn't grow very well. I think that's  
16 it.

17 Q. And have you ever sold the vegetables you  
18 grew?

19 A. Have we ever what?

20 Q. Sold the vegetables you grew?

21 A. No.

22 Q. Do you have any other structures on your  
23 property besides your home? A barn or a tool  
24 shed?

25 A. No.

1 Q. And do you have a garage?

2 A. Yes.

3 Q. And what do you store in that garage?

4 A. Almost everything. The lawnmower, the riding  
5 lawnmower is in there. The outside furniture  
6 goes in there. Tools.

7 Q. Do you have any paints in the garage?

8 A. Right now?

9 Q. Yes.

10 A. No.

11 Q. What about in the past five years?

12 A. Yes.

13 Q. Do you ever park your car in the garage?

14 A. You'll have to rephrase that.

15 Q. Today can you park your car in the garage?

16 A. No.

17 Q. And that's on your to-do list, to clean out  
18 the garage; is that correct?

19 A. Yes.

20 Q. Do you have a fence?

21 A. No.

22 Q. Any retaining walls?

23 A. No.

24 Q. What about a swimming pool?

25 A. Yes.

1 Q. Is it an above-ground pool?

2 A. Yes.

3 Q. And how -- how is it cleaned?

4 A. How is it what?

5 Q. Do you clean the pool?

6 A. I am the pool boy.

7 Q. And how -- how long have you had that pool  
8 for?

9 A. That pool? Since 2014.

10 Q. Did you have a pool previous to 2014?

11 A. Yes.

12 Q. When was that pool installed?

13 A. I believe it was '88.

14 Q. And was there a pool before 1988 at your  
15 property?

16 A. No, not that I know of.

17 Q. And was the pool you installed in 1988 an  
18 above-ground pool?

19 A. Yes.

20 Q. Do you recall how much you spent to install a  
21 new pool in 2014?

22 A. 2014?

23 Q. Apologies. Do you recall how much you spent  
24 to replace your pool?

25 A. No, I don't.

1 Q. And do you know if the other homes around your  
2 house also have swimming pools?

3 A. None that I am aware of.

4 Q. Do you have a sauna?

5 A. No.

6 Q. A Jacuzzi?

7 A. No.

8 Q. Do you have a patio in your backyard?

9 A. No.

10 Q. Do you have a deck?

11 A. A deck?

12 Q. Do you have any decks in your backyard?

13 A. Yes.

14 Q. How many?

15 A. Two.

16 Q. And where are they located?

17 A. In the back of the house.

18 Q. Are they connected to each other?

19 A. Yes.

20 Q. Are they -- when you walk out the back door of  
21 your house, do you walk straight onto the  
22 deck?

23 A. You do.

24 Q. And is it raised off the ground?

25 A. Yes.

1 Q. And is that connected to the swimming pool?

2 A. That deck?

3 Q. Either of the two decks.

4 A. The lower deck is pool side. The upper deck  
5 is -- it comes right out the back of the door.

6 Q. So to get to the pool, how -- do you have to  
7 walk down the first deck?

8 A. Walk across the first deck and down the set of  
9 steps onto the second deck.

10 Q. And then the pool?

11 A. And then you are at the pool.

12 Q. And do you know if any other homes around you  
13 have decks in the backyard?

14 A. Yes.

15 Q. Approximately how many would you say?

16 A. One that I know of.

17 Q. Do any of them have saunas?

18 A. Not that I am know of.

19 Q. Do any of them have Jacuzzis?

20 A. Not that I know of.

21 Q. And what else is on your deck, the first deck  
22 that you walk out, when you walk out the  
23 backyard -- the back door?

24 A. The first deck has a patio table, a set of  
25 chairs, a lounge chair, and two small tables.

1 Q. Anything else?

2 A. On the deck? Carpeting.

3 Q. What kind of carpeting?

4 A. Indoor/outdoor.

5 Q. Is there a -- is it covered at all?

6 A. Yes.

7 Q. And how is it covered?

8 A. It's covered with an awning, a powered awning.

9 Q. So it can --

10 A. Go in and out.

11 Q. And do you have anything on the second lower  
12 deck?

13 A. Yes.

14 Q. And what is on it?

15 A. There's three outdoor furniture chairs.

16 Q. Anything else?

17 A. No. Carpet.

18 Q. And do you own a backyard grill?

19 A. Yes.

20 Q. Where is that located?

21 A. On the ground.

22 Q. Is there anything else located on the ground,  
23 any appliances located on the ground?

24 A. No.

25 Q. Do you have -- do deer often come onto your



1 property?

2 A. Yes.

3 Q. And have you ever had one of those -- like a  
4 deer net before, that blocks deer from coming  
5 onto your property?

6 A. No.

7 Q. And the other properties nearby your house, do  
8 they all have wells as well?

9 A. Yes.

10 Q. And do you know when -- the property to the  
11 east of your house, do you know when its well  
12 was installed?

13 A. No.

14 Q. Do you know when any of the wells were  
15 installed in the homes nearby your house?

16 A. I do not, no.

17 Q. Do you know how deep any of the wells are  
18 beside your house?

19 A. No, I don't.

20 Q. Do any of your neighbors have barns?

21 A. Not that I am aware of.

22 Q. Do any of them have fences?

23 A. Yes.

24 Q. Approximately how many would you say?

25 A. Three.

1 Q. And how would you describe those fences?

2 A. Split-rail type.

3 Q. All three?

4 A. Yes.

5 Q. And you said you have some flower gardens as  
6 well, correct?

7 A. Yes.

8 Q. What kind of flowers do you grow?

9 A. Ones that bloom. I don't really know what  
10 they are. My sister keeps me in flowers.

11 Q. Does she help you pick out which ones to  
12 plant?

13 A. No. She tells me what she has got. That's  
14 what goes in the ground.

15 Q. Does she help you maintain the gardens at all?

16 A. No.

17 Q. And your neighbor to the east, does -- how  
18 does his land -- that house's landscaping  
19 differ from yours?

20 A. The neighbor to the east is a female.

21 Q. How does her landscaping differ from yours?

22 A. She has a garden around her back deck as well,  
23 a flower garden, and one on the side of her  
24 house next to the garage. And that's it.  
25 Trees.

1 Q. Does the neighbor to the west have flower  
2 gardens as well?

3 A. I'm not sure you would call them flower  
4 gardens.

5 Q. What's -- what's another word you might use to  
6 describe them?

7 A. She has bunches of flowers located in  
8 different locations, and -- and mulch.  
9 There's a big line of mulch with little  
10 sections of flowers.

11 Q. And does she have any trees as well on the  
12 property, the neighbor to the west?

13 A. She has trees.

14 Q. And do any of your neighbors have gardens?

15 A. Not that I am aware of.

16 Q. And do you know what the soil beneath your  
17 home is like?

18 A. Other than it's got PFOA in it now probably.  
19 No, I don't.

20 Q. Do you know if it's clay or rock or sandy?

21 A. No, I don't know.

22 Q. Have you ever had to dig down into your soil  
23 before?

24 A. Only a little bit when we set the pool up.

25 Q. And when you dig, did you tend to hit roots or

1 rocks or anything?

2 A. We hit dirt and roots, yeah.

3 Q. And how deep did the roots go?

4 A. I don't know. We only -- I only dug down  
5 about 10 inches.

6 Q. And do you know what type of foundation your  
7 home sits on?

8 A. Yes.

9 Q. What type?

10 A. Concrete.

11 Q. And do you know how deep the foundation goes?

12 A. The wall -- it's a raised ranch, so the wall  
13 is about four feet.

14 Q. And is there anything else beneath the surface  
15 of your land? A basement?

16 A. No.

17 Q. The septic tank is beneath the surface. Where  
18 is that located?

19 A. It's in the front yard.

20 Q. And do you have any power lines or sewer lines  
21 buried beneath your land?

22 A. The sewer line is buried. The power line is  
23 not.

24 Q. What about any water lines?

25 A. The water line from the well to the house is

1 buried.

2 Q. And since you acquired your home, what  
3 improvements have you made to the exterior of  
4 the house?

5 A. To the exterior. Replaced 18 windows. Some  
6 of the shutters had to be replaced. We put a  
7 new roof on. Excuse me. New -- new shingles  
8 on the roof, not a new roof. Painted. Put  
9 two decks up.

10 Q. Anything else?

11 A. On the exterior?

12 Q. On the exterior.

13 A. Not that I can think of right now.

14 Q. And when you said you put 18 new windows up,  
15 is that how many window you have in your  
16 house?

17 A. No. Yes. There's one in the garage I didn't  
18 replace.

19 Q. And do you recall when you replaced your  
20 windows?

21 A. No, I don't. I believe it was 2003.

22 Q. And do you recall what you replaced it with?

23 A. Vinyl windows, double pane.

24 Q. Do you recall how much that cost?

25 A. Not right offhand, no.

1 Q. You said you also replaced the shutters, too?

2 A. Yes.

3 Q. Was that the shutters for all 18 new windows?

4 A. No.

5 Q. When did you replace the shutters?

6 A. I'll estimate that it was around 2003.

7 Q. And do you recall how much that cost?

8 A. No, I don't.

9 Q. And you said you did some work on the roof as  
10 well?

11 A. Yeah, resingled it. Yes.

12 Q. Do you remember when that was?

13 A. When it was?

14 Q. When that was.

15 A. No.

16 Q. Was it before or after the year 2000, do you  
17 recall?

18 A. I believe it was after 2000.

19 Q. And do you recall what it cost to do that?

20 A. No.

21 Q. Would it -- does it sound right if it -- if I  
22 said the roof was replaced in the year 2002?

23 A. I don't really remember. It could have been  
24 in there someplace. Yes.

25 Q. And do you believe it cost around a thousand

1           dollars to replace the shingles?

2       A.   I don't remember.

3       Q.   Do you have any basis to disagree with that,  
4           that it cost, say, \$1,105 to replace the  
5           shingles?

6       A.   Do I have any basis to disagree with that?

7       Q.   Yes.

8       A.   I could go home and get the actual bill.

9       Q.   Would it help to see the bill?

10      A.   Sure.

11      Q.   I don't mean to quiz you, Mr. Crawford. I  
12           just thought it might be faster to ask you.

13               MR. BARNES: Can we mark this as  
14           Exhibit 2 and 3?

15               (Deposition Exhibit No. 2 was marked for  
16           identification.)

17               (Deposition Exhibit No. 3 was marked for  
18           identification.)

19      Q.   Would you mind reviewing this and then let me  
20           know when you are ready?

21      A.   Okay. (Witness complying). Okay.

22      Q.   And would you show me which one is No. 2 she  
23           marked?

24      A.   This one is No. 2 and this one is No. 3.

25      Q.   So let's look at No. 2 first.

1           At the top right of the document, do you  
2           see the box marked date?

3       A.   Yeah.

4       Q.   And under that says it May 29, 2002. Is that  
5           correct?

6       A.   Yes.

7       Q.   And this is a -- what is this document?

8       A.   I would say it's an invoice from r.k. Miles.

9       Q.   What is it an invoice for?

10      A.   Shingles.

11      Q.   And --

12      A.   And -- and other things. Roof -- roof  
13           material.

14      Q.   And is this the receipt for the shingles and  
15           the roof material that you purchased to  
16           replace your shingles on your house?

17      A.   Yes.

18      Q.   And on the very bottom line it says total  
19           amount. Do you see that?

20      A.   Yes.

21      Q.   And it says \$1,015.35. Is that correct?

22      A.   That's correct.

23      Q.   And do you believe that's the amount you spent  
24           to replace the shingles on your roof?

25      A.   And related paraphernalia, yes.



1 Q. Was any of this -- were any of these materials  
2 used for something other than the roof?

3 A. No.

4 Q. And if you want to turn to Exhibit 3 now?

5 What is this document?

6 A. It's an invoice from Doxsee Roofing. This was  
7 for the rake and drip that goes with the roof.

8 Q. And the -- on the top right it says invoice  
9 date, and it says 05/31/2002.

10 Did I read that correctly?

11 A. Yes.

12 Q. And this is -- and then it -- under  
13 description it says Ted Crawford, correct?

14 A. Yes.

15 Q. And you said this was to -- this was part of  
16 the upgrade to the roof?

17 A. Correct. It's a rake and drip.

18 Q. And the amount was \$143.58, correct?

19 A. Correct.

20 Q. And have you replaced the siding of your  
21 house?

22 A. No.

23 Q. Have you -- how frequently have you painted  
24 the exterior of your house?

25 A. I don't remember exactly. I painted three

1 walls or three sides, I guess I should say,  
2 and I have one side left to do.

3 Q. When was the last time you painted one of the  
4 walls?

5 A. I don't remember. It was -- I don't remember.

6 Q. Within the last five years?

7 A. No. Previous to that.

8 Q. And so you painted wall by wall?

9 A. Yes.

10 Q. And have you made any improvements to your  
11 driveway?

12 A. Yes.

13 Q. What kinds?

14 A. We had it graded and regraveled once, and we  
15 had it regraveled again. And then we had it  
16 graded and part of it was done with what they  
17 call Sure Pack the third time.

18 Q. Do you recall when that was?

19 A. The third time was more recent, but I don't  
20 recall exactly the date, no.

21 Q. Within the last five years?

22 A. Yes.

23 Q. And how did you finance let's say replacing  
24 the windows?

25 A. I think we wrote a check. I don't remember.

1 Q. Did you have to get a loan at all?

2 A. No.

3 Q. And how about the roof, how did you finance  
4 that purchase?

5 A. The same way. I don't think we did anything  
6 special. I don't -- we wrote a check for this  
7 one. But this one I don't see anything like  
8 that on there, so I don't remember.

9 Q. And who installed the -- the new shingles on  
10 the roof?

11 A. My brother-in-law and his son and myself.

12 Q. And who installed the new windows?

13 A. My brother-in-law and myself.

14 Q. And who installed the new shutters?

15 A. Myself.

16 Q. And who painted the exterior of the house?

17 A. Myself.

18 Q. And who installed the two decks that you have?

19 A. The first deck, the upper most deck, was done  
20 by myself and three of my brothers.

21 Q. And do you recall when that was?

22 A. 1985.

23 Q. And what about the second deck, who installed  
24 that?

25 A. Myself and one of my brothers.

1 Q. And do you recall when that was?

2 A. No, not right offhand.

3 Q. Was it after 1985?

4 A. Yes.

5 MR. BARNES: Emily, I'm at a good  
6 stopping point. We have two more minutes left  
7 on the video.

8 MS. JOELSON: Okay.

9 MR. BARNES: Should we take a quick break  
10 or do you want to break early for lunch?

11 MS. JOELSON: Do you want to eat?

12 THE WITNESS: That's not a good question  
13 to ask me.

14 MS. JOELSON: Sure, we'll break.

15 MR. BARNES: All right.

16 THE VIDEOGRAPHER: The time is now  
17 approximately 11:46 a.m. This completes disk  
18 number one of the deposition of Ted Crawford.  
19 Going off the record.

20 (Lunch recess taken.)

21 (Deposition Exhibit No. 4 was marked for  
22 identification.)

23 THE VIDEOGRAPHER: The time is now  
24 approximately 12:53 p.m. Going back on the  
25 record with disk number two of the deposition

1 of Ted Crawford.

2 BY MR. BARNES:

3 Q. Good afternoon, Mr. Crawford.

4 A. Good afternoon.

5 Q. Are you ready to begin?

6 A. I am.

7 Q. So what you've just been handed is marked  
8 Exhibit 4, and it is a series of photos that  
9 we are going to walk through together right  
10 now. I don't want to be too tedious about  
11 this, so we'll try and go fast. As we go  
12 through, I'll just ask you about each photo,  
13 if you don't mind.

14 So on this first page, what is this  
15 photo?

16 A. This is our kitchen.

17 Q. And in this kitchen has anything been replaced  
18 since you first moved into the house in 1985?

19 A. Yes.

20 Q. What?

21 A. Well, start in this corner. The microwave has  
22 been replaced. The range has been replaced.  
23 All of the countertops have been replaced and  
24 all of the cabinets have been repainted.

25 Q. And when did you replace the microwave most

1           recently?

2           A.   About two years ago.

3           Q.   And what about the range?

4           A.   I would estimate about 10 or 12 years ago.

5           Q.   And what about the countertops?

6           A.   That was around -- I am going to say that was  
7           early 2000s.

8           Q.   And do you know what the material the  
9           countertops are made out of?

10          A.   Yes.

11          Q.   What is that?

12          A.   It's Formica.

13          Q.   And do you remember how much it cost to  
14          replace the countertops?

15          A.   I do not.

16          Q.   Were you the one who installed the countertops  
17          or did you have someone else do it?

18          A.   That's two questions.

19          Q.   Were you the one who installed the countertop?

20          A.   I helped my brother, who is -- two of my  
21          brothers are carpenters, so I helped one of  
22          them put it in.

23          Q.   Do your brothers often come by to help with  
24          home improvement projects?

25          A.   They're always at beck and call.

1 Q. And what about the cabinets? When did you  
2 replace the cabinets?

3 A. Didn't replace them.

4 Q. Did you -- have you ever repainted the  
5 cabinets?

6 A. Yes. That's what -- yeah, I said that, but we  
7 repainted them, yeah.

8 Q. When did you do that?

9 A. I don't recall.

10 Q. Is there anything else in this photo that is  
11 new since 1985?

12 A. Yes.

13 Q. What else?

14 A. The rack for the coffee C-cups and the coffee  
15 maker.

16 Q. The Keurig was not there in 1985?

17 A. No. It was a Mr. Coffee.

18 Q. And just -- if you flip back, if that's okay.

19 What kind of flooring is in the kitchen?

20 A. It's one of those -- I don't remember the  
21 name. It's a poured thing, and, you know, you  
22 pour it and then you smooth it out. And it's  
23 supposed to last for a good long time, and  
24 it's original. It's in good shape.

25 Q. You can flip to the next page? Is this the

1 same -- a photo of the same kitchen area?

2 A. Yes.

3 Q. Is there anything different in this photo that  
4 we haven't already discussed?

5 MS. JOSELSON: Objection to the form.

6 BY MR. BARNES:

7 Q. You can answer.

8 A. No, that's -- it's pretty much the same.

9 Q. Okay. You can flip to the next page.

10 And what is this a picture of?

11 A. This is a front-on picture of the kitchen sink  
12 and the window off the back and the cabinets  
13 on either side and the cabinets on the bottom  
14 and all the green lights go to the dishwasher.

15 Q. Okay. And is there anything in this photo  
16 that's new since 1985?

17 A. Since 1985? All of it is new.

18 Q. How about the dishwasher, when was that last  
19 replaced?

20 A. That's a little less than a year old.

21 Q. Do you remember how much that cost?

22 A. I can estimate it was like \$450.

23 Q. Okay. What about the kitchen sink?

24 A. That is original. It's a stainless steel  
25 two-bowel sink. The faucet and the plumbing



1           have been replaced twice.

2           Q.   When was the last time they were replaced?

3           A.   Approximately two years ago.

4           Q.   And do you remember how much that cost?

5           A.   No, I don't.

6           Q.   Was -- how about the window, was that one of  
7           the windows that was replaced?

8           A.   Yes, that is one of the replacement windows.

9           Q.   And is there anything else in this photo that  
10          has been replaced since 1985?

11          A.   I don't believe so.

12          Q.   Okay.   You can flip to the next page.

13                   And what is this a picture of?

14          A.   It appears to be the same picture only later  
15          and brighter.

16          Q.   Is there anything in this photo that has been  
17          replaced since 1985 that we have not already  
18          discussed?

19          A.   Yes.   The light over the kitchen sink.   I  
20          don't know if that's in the other picture or  
21          not.   Oh, yeah, it is, but couldn't really  
22          see.   It's a bright spot.   But, yeah, the  
23          light is new since 1985.

24          Q.   When did you replace it?

25          A.   The light I replaced -- I am going to estimate

1           it was in the early '90s, and when I was  
2           washing the bulb -- or not the bulb but the  
3           globe, I broke it. About four years ago.

4       Q. And did you install the new light fixture?

5       A. I did.

6       Q. And who installed the new -- the new sink  
7           plumbing?

8       A. I did.

9       Q. All right. Flip to the next page.

10               And what is this a picture of?

11       A. This is a kitchen from another angle showing  
12           the range and the microwave, the kitchen  
13           cabinets. That smallish door right there is a  
14           pantry, and the other doorway goes into the  
15           hallway.

16       Q. And is the wallpaper new since 1985?

17       A. Yes.

18       Q. When was that replaced?

19       A. About the same time the countertop was.

20       Q. And what about the cabinet knobs, are those  
21           new as well?

22       A. Yeah. That was all one project.

23       Q. Is there anything else in this photo that we  
24           haven't already discussed that has been  
25           replaced since 1985?

1 A. Since 1985?

2 Q. Hmm.

3 A. Yeah, these wall things. Those -- the one  
4 that says Skippy's kitchen, that came from  
5 Linda's mother when she died.

6 And the cat thing was -- one of the kids  
7 gave it to us.

8 And the -- the picture of the chickens,  
9 that's newest.

10 MS. JOSELSON: I think he's just asking  
11 about improvements to the home, not  
12 furnishings.

13 THE WITNESS: Oh, okay. All right.

14 BY MR. BARNES:

15 Q. But to clarify for the court reporter, you  
16 were just pointing out -- it looks like  
17 decorations on the wall?

18 A. Correct, yeah. Decorative.

19 Q. Okay. We can flip to the next page.

20 And what is this a picture of?

21 A. This is what we refer to as the master  
22 bedroom, Linda's and my bedroom, and that's my  
23 dresser and her side of the bed.

24 Q. And what floor is this on?

25 A. This is on the second floor.

1 Q. And what floor is the kitchen on?

2 A. The same floor.

3 Q. The second floor?

4 A. Second floor.

5 Q. And when was the -- when did you replace the  
6 dresser?

7 A. I didn't replace it. I'm just saying that is  
8 mine.

9 Q. What in this photo have you replaced since you  
10 purchased the home?

11 A. Say that again?

12 Q. What in this photo is new since --

13 MS. JOSELSON: Are asking about  
14 furnishings as well as improvements to the  
15 home now?

16 MR. BARNES: I'm asking about anything he  
17 would like to talk about, about what's new and  
18 he's improved on.

19 MS. JOSELSON: Yeah, I'm going to object  
20 to the question. Let's just focus on  
21 improvements and not on furniture.

22 MR. BARNES: Objection to form would be  
23 fine, I think.

24 MS. JOSELSON: Yeah, I'll make my  
25 objections.

1 BY MR. BARNES:

2 Q. You can proceed.

3 A. Okay.

4 MS. JOSELSON: If you understand the  
5 question.

6 THE WITNESS: Yeah, he wants to know  
7 what's new, I am assuming.

8 A. But the only thing new is the wallpaper.

9 BY MR. BARNES:

10 Q. And when was that replaced?

11 A. I don't really remember.

12 Q. Was it in the last ten years?

13 A. No.

14 Q. And to the left of this picture here, is that  
15 a floor fan?

16 A. Is it a what?

17 Q. A floor fan?

18 A. Oh, yeah, that's the tower fan. Sorry.

19 Q. And when was this hardwood floor installed?

20 A. It's original. I have no idea. It was there  
21 when we bought the house.

22 Q. Okay. We can flip to the next page.

23 And what is this a picture of?

24 A. This is one of the upstairs bedrooms, which we  
25 call the office. It's our computer room.

1 Q. And is there any -- is the wallpaper new since  
2 1985?

3 A. Yes.

4 Q. When was that replaced?

5 A. I don't remember.

6 Q. And is this one of the windows that you  
7 replaced?

8 A. It is.

9 Q. Okay. And just to remind you, if you want to  
10 wait until I finish the question, even though  
11 all of these I am sure you know the answer to  
12 before I finish.

13 A. Sorry.

14 Q. That's okay.

15 Is there anything else in here that  
16 you've replaced since 1985?

17 A. No.

18 Q. Flip to the next page.

19 And what is this a picture of?

20 A. This is the other upstairs bedroom. It used  
21 to be our daughter's bedroom when she was  
22 small and now it's an extra bedroom.

23 Q. What do you use this bedroom for typically?

24 A. Extra bedroom.

25 Q. Guests?

1 A. Guests.

2 Q. Do you have people stay over often?

3 A. No.

4 Q. How frequently in a year would you say people  
5 stay over?

6 A. And use this room?

7 Q. Sure, using this room.

8 A. Not very often.

9 Q. What about in general?

10 A. In general. Rare.

11 Q. And is this hardwood floor the same floor that  
12 was installed in the house when you purchased  
13 it?

14 A. It was in the house when we purchased it, yes.

15 Q. And what about the -- the wall color, did you  
16 repaint the walls since 1985?

17 A. Yes.

18 Q. And do you recall when?

19 A. No.

20 Q. And this is also one of the new windows?

21 A. It is.

22 Q. All right. You can flip the page.

23 You can go back to the page of that  
24 bedroom. Was there anything else you wanted  
25 to add that was new since --

1 A. No, no.

2 Q. Flip the page.

3 And what is this a picture of?

4 A. This is the same room we were just in. It's  
5 the opposite wall.

6 Q. Okay.

7 A. Bookcase obviously.

8 Q. And is that bookcase attached to the wall or  
9 is it freestanding?

10 A. It is attached to the wall.

11 Q. And was that installed in the house when you  
12 purchased it?

13 A. No.

14 Q. When was that installed?

15 A. I don't really recall. I made that.

16 Q. Did you -- you built the whole bookshelf?

17 A. Mm-hmm.

18 Q. What did you make it out of?

19 A. Pine.

20 Q. And do you recall, was it in the last ten  
21 years?

22 A. This was the last -- it might have been.

23 Q. And did you set it up in the room as well?

24 A. Yes.

25 Q. And how about the flooring in this room, is



1           this the same flooring as what we previously  
2           discussed?

3           A. Yes, this is the same flooring.

4           Q. Okay. Flip the page.

5                     What is this room?

6           A. This is another spare bedroom downstairs.

7           Q. This is a second spare bedroom, so you have  
8           two spare bedrooms, correct?

9           A. Yes.

10          Q. And what -- how -- what do you use this room  
11          for other than --

12          A. Well, this is when my daughter, Johnna, comes  
13          down. This is -- we call this Johnna's room.  
14          This is where she stays with her husband.

15          Q. And how frequently do you use this room as a  
16          guest bedroom for visitors?

17          A. Typically two times a year.

18          Q. And what about in this photo? Is there  
19          anything that has been replaced since you  
20          purchased the home?

21          A. Been painted and the doors on the closet --  
22          oh, wait a minute. I'm sorry.

23                     This is -- this is still upstairs. I am  
24          sorry. It's the wrong room. This is the  
25          spare bedroom upstairs, the one -- the

1 previous page. It's just the other corner.  
2 The closet is in the other corner. I was  
3 looking at the dresser and wait a minute;  
4 that's not right.

5 Okay. So that's still the same one.  
6 These three pictures are the same room.

7 Q. The three pictures we just reviewed are all  
8 part of the same first guest bedroom we  
9 discussed?

10 A. Right, upstairs.

11 Q. And you were saying that you -- did you  
12 replace the closet doors?

13 A. Yes. They had slide-bys, and I didn't like  
14 them, so I put actually dual-fold, I guess.  
15 They only fold in half in the middle.

16 Q. When was that, that you installed this?

17 A. When I painted it, and I don't remember when  
18 that was.

19 Q. Okay. We can flip the page.

20 And what is this room?

21 A. This is downstairs. This is what we call the  
22 family room.

23 Q. And what do you typically use this room for?

24 A. Recreation. Chelsea and her boyfriend spend  
25 time down there together.

1 Q. And --

2 A. Playing games.

3 Q. And what in this photo has been replaced since  
4 you purchased the home?

5 A. Walls are painted. The other wall has been  
6 wallpapered. The knee-wall, if you want to  
7 call it that, has been painted. That was  
8 panelling. The carpet has been replaced.  
9 And, of course, the window.

10 Q. So let's start with the -- the walls.

11 When was the wallpaper installed, added?

12 A. I don't remember.

13 Q. Do you recall when the other wall was painted?

14 A. Just before I put the wallpaper on.

15 Q. But unclear when that was?

16 A. I don't know. I don't remember. I don't  
17 remember the dates.

18 Q. Within -- go ahead.

19 A. No, it was more than ten years.

20 Q. And how about this -- the foosball table? Is  
21 that what that is?

22 A. That's what it is, yeah.

23 Q. And when was that -- when did you purchase  
24 that?

25 A. Boy, I don't remember.

1 Q. And the wood paneling on the walls, has that  
2 been there since you purchased the home?

3 A. It was there.

4 Q. And what about the flooring, was that there  
5 when you purchased the home?

6 MS. JOSELSON: Asked and answered. You  
7 can answer it again.

8 A. This carpet has been replaced.

9 BY MR. BARNES:

10 Q. And when was that?

11 A. A couple years ago, two or three.

12 Q. Okay. Flip the page.

13 And what is this room?

14 A. The same -- excuse me. The same room,  
15 different wall.

16 Q. And did you build this bookcase as well?

17 A. I did.

18 Q. Do you recall when that was?

19 A. No, I don't.

20 Q. And do you recall how much it cost to build  
21 the bookcase?

22 A. No, I don't.

23 Q. And what -- what on this view of the room has  
24 been replaced since you purchased the home?

25 A. The wallpaper, the ceiling has been painted,

1 the bookcase, the carpeting again, the chest  
2 freezer.

3 Q. Do you recall when you purchased the chest  
4 freezer?

5 A. No, I don't.

6 Q. And what is the white box on the floor there?

7 A. That's a dehumidifier.

8 Q. And do you have those in more than one room in  
9 your home?

10 A. Yes.

11 Q. And what do you use it for?

12 A. Take moisture out of the air.

13 Q. Do you have a humidity problem in your house?

14 MS. JOELSON: Objection.

15 BY MR. BARNES:

16 Q. You can answer.

17 A. Only when it's very humid outside.

18 Q. Flip the page.

19 The same photo as before, correct?

20 A. Same.

21 Q. Slightly blurrier?

22 A. A little blurrier, yeah. That one --

23 Q. Flip the page.

24 A. More shaky.

25 Q. And this looks like the same photo as before

1           with a slightly different angle; is that  
2           correct?

3           A.   Slightly different angle, yes.

4           Q.   Flip the page.

5                   What is this a picture of?

6           A.   That's the bureau that is in the -- the  
7           downstairs extra bedroom.   Excuse me.

8           Q.   And when was this added to the house?

9                   MS. JOSELSON:   You need to know when the  
10          bureau was bought?

11                  MR. BARNES:   I would like him to answer  
12          the questions that are asked.

13          BY MR. BARNES:

14          Q.   You may proceed.

15          A.   It wasn't bought.

16          Q.   Was it a gift?

17          A.   It was a gift.

18          Q.   Do you remember when?

19          A.   No.

20          Q.   And what about the wallpaper?   Was that added  
21          after you purchased the home?

22          A.   Yes.

23          Q.   Do you recall when?

24          A.   Nope.

25          Q.   Okay.   You can flip the page.

1                   And what is this a picture of?

2       A.   This is the same room, different view.

3       Q.   And is that a dehumidifier in the room there  
4           too?

5       A.   It is.

6       Q.   And what is the flooring in this room?

7       A.   Carpet.

8       Q.   And do you recall when that was added?

9       A.   No, I don't.

10      Q.   And the closet doors, were these the originals  
11           when you purchased the home?

12      A.   These are original, yes.

13      Q.   Flip the page.

14                   And what is this a picture of?

15      A.   This is the downstairs bathroom.

16      Q.   And what in this picture has been replaced  
17           since you purchased the home?

18      A.   The shower stall, the window. Of course, it's  
19           been painted and carpeting.

20      Q.   And what about the toilet?

21      A.   That is original.

22      Q.   And the plumbing, has that been replaced since  
23           you purchased home?

24      A.   We can do that in the next picture maybe.

25      Q.   I'll hold off on that question.

1 A. Okay.

2 Q. What about the -- you said the shower?

3 A. That has been replaced.

4 Q. When was that?

5 A. I don't recall.

6 Q. And do you recall when the walls were painted?

7 A. No, I don't really.

8 Q. And how about the -- what type of flooring is  
9 it?

10 A. This was carpeted.

11 Q. Carpet in the bathroom?

12 A. Carpet in the bathroom.

13 Q. Do you recall when that was installed?

14 A. No.

15 Q. Flip the page.

16 And what is this a picture of?

17 A. This is the bathroom sink.

18 Q. Of the same bathroom?

19 A. Same bathroom, yes.

20 Q. And what was replaced in this photo? What has  
21 been replaced since you purchased the home?

22 A. In this photo, everything except the corner of  
23 the toilet tank.

24 Q. When did you replace the sink?

25 A. I don't recall exactly, but...



1 Q. Was it within the last ten years?

2 A. Yes.

3 Q. And what about the plumbing of this bathroom,  
4 has this been replaced?

5 A. The sink has been replumbed, yes.

6 Q. When was that?

7 A. When I put the sink in.

8 Q. And remind me when that was?

9 A. I don't remember.

10 Q. Last ten years?

11 A. Sometime in the last ten years, I believe.

12 Q. Flip the page.

13 And what is this a picture of?

14 A. This is the utility room downstairs.

15 Q. And what do you typically use the utility room  
16 for?

17 A. Washer and a dryer in there. Furnace is in  
18 there. The water softener is in there. The  
19 wood boiler is in there.

20 Q. So looking at this picture, on the bottom  
21 left-hand corner, what is that?

22 A. That's the wood boiler.

23 Q. And in the middle there is a -- it looks like  
24 a washing machine?

25 A. Yeah.

1 Q. And what's directly to the left of that?

2 A. To the left of that is the water softener.

3 Q. And do you recall when you purchased the  
4 washing machine?

5 A. Not right offhand, no.

6 Q. Do you recall when the water softener was  
7 installed?

8 A. The water softener is just under two years  
9 old.

10 Q. And do you recall how much that cost?

11 A. No, I don't.

12 Q. And the furnace on the bottom left-hand  
13 corner, is that -- has that been replaced  
14 since you purchased the home?

15 A. The --

16 Q. The wood stove.

17 A. The wood furnace? No, that has not been  
18 replaced.

19 Q. And then at the very top of the photo, what is  
20 that?

21 A. This is -- right? I assume you mean this  
22 right here.

23 Q. Yes, exactly.

24 A. That is an outside vent because the wood  
25 furnace sometimes smoked. The smoke bothered

1 my wife. So because I was a sheet metal  
2 worker, I made a hood. I got a piece of  
3 spiral pipe, vented it to the outside.

4 Q. So you made that yourself?

5 A. I did.

6 Q. Do you recall when that was?

7 A. Late 1980s.

8 Q. And do you recall how much that cost?

9 A. Well, it was kind of what we call -- what we  
10 do is when we did stuff like this we called it  
11 government work, so that didn't cost anything.

12 Q. Why is it called government work?

13 A. It's just the term we used.

14 Q. Do you -- where did you construct this at?

15 A. At United McGill.

16 Q. Flip the page.

17 And what is this a picture of?

18 A. This is a view going the other direction  
19 toward the dryer.

20 Q. Of the same time utility room?

21 A. Same utility room, yeah.

22 Q. And what is the type of flooring in this room?

23 A. Concrete.

24 Q. Original concrete?

25 A. Original concrete.

1 Q. And do you have a dryer in the utility room?

2 A. Yeah, that is a dryer.

3 Q. Do you know when you purchased that?

4 A. No, I don't.

5 Q. You can flip the page.

6 And what is this a picture of?

7 A. This is the dining area off the kitchen.

8 Q. And the flooring in this picture, is this the  
9 original floor?

10 A. Original hardwood floor, yes.

11 Q. And do you recall, have these walls been  
12 repainted since you purchased the home?

13 A. Yes.

14 Q. Do you recall when?

15 A. No.

16 Q. And then is this a back door in the photo?

17 A. It is.

18 Q. And are those the original doors?

19 A. No. Since 1985 replaced. It's a Marvin door.

20 Q. It was replaced in 1985 when you purchased the  
21 home?

22 A. When we purchased the home, there was a double  
23 window there, no door. The door was out  
24 front. That was all. So we wanted a door out  
25 back. So that's what that is.

1 Q. Did you install it yourself?

2 A. Brothers.

3 MR. WILSON: Wish I had brothers like  
4 you.

5 BY MR. BARNES:

6 Q. And at the top, is that a light fixture in  
7 this picture?

8 A. The chandelier?

9 Q. Yes.

10 A. Yes.

11 Q. Do you recall when that was installed?

12 A. I have no idea. It was there when we moved  
13 in. We liked it; we kept it.

14 Q. Flip the page.

15 And what is this a picture of?

16 A. That's the master bedroom and the wall and  
17 pillows on the bed.

18 Q. And we discussed this earlier, correct?

19 A. Yeah. Yeah.

20 Q. Flip the page.

21 What is this a picture of?

22 A. This is the bathroom upstairs.

23 Q. And has anything in this picture been replaced  
24 since you purchased the home?

25 A. Every -- excuse me -- everything in this

1 picture has been replaced.

2 Q. And what about the sink?

3 A. Yes. That was a single-unit sink, and this --  
4 the door, the doors, one unit.

5 Q. And do you recall when that was replaced?

6 A. No.

7 Q. And what about these doors to the left?

8 A. That is a -- where we keep the towels and wash  
9 clothes and medicines and stuff like that.  
10 And that was installed at the same time.

11 Q. Flip the page.

12 What is this a picture of?

13 A. This is the area between the living room and  
14 the dining area.

15 Q. And what do you use that area for?

16 A. To go from the dining room to the kitchen.

17 Q. Just a walkway?

18 A. Just a walkthrough, yeah.

19 Q. Flip the page.

20 We're back in the kitchen?

21 A. Back in the kitchen.

22 Q. Flip the page.

23 And where is this?

24 A. This is in the living room.

25 Q. And is there anything in here that's been

1 replaced since 1985?

2 A. Yes, everything.

3 Q. When were the walls repainted?

4 A. I don't recall.

5 Q. Is that floor original?

6 A. That floor is original.

7 Q. And when you said everything has been  
8 replaced, are you talking mostly about the  
9 furniture in the room?

10 A. Yes.

11 Q. Anything else?

12 A. Well, the furniture -- yes, nothing else.

13 Q. All right. Flip the page.

14 What is this a picture of?

15 A. This is the hallway that goes from when you go  
16 through the kitchen and go to the -- to the  
17 right is the hallway. The doorway -- the door  
18 at the end is a little closet, and the first  
19 door on the right is the bathroom door. The  
20 second door on the right is the master bedroom  
21 door. The other two doors on the left are  
22 spare bedroom doors. The little door with the  
23 Santa thing hanging on it --

24 Q. Mm-hmm.

25 A. -- is a closet.

1 Q. Very helpful. Thank you.

2 Is this the original hardwood floor?

3 A. It is.

4 Q. And is that the original wallpaper?

5 A. No.

6 Q. When was that replaced?

7 A. I don't recall.

8 Q. And there is a vent on the floor. Do you see  
9 that?

10 A. Yes, that's a vent.

11 Q. And is that for the heating?

12 A. It was originally, I assume, because when we  
13 first moved there the house was only one zone.  
14 So if you wanted it warm downstairs, it was  
15 much warmer upstairs. So that's probably why  
16 they put that in.

17 When we put the new furnace in, we zoned  
18 it so the downstairs had its own zone; the  
19 upstairs has its own zone.

20 Q. Flip the page.

21 And what is this a picture of?

22 A. This is the living room.

23 Q. And what is that on the back wall there?

24 A. The back wall.

25 Q. On the bookcase it looks like?



1 A. The bookcase, yeah.

2 Q. Did you construct that as well?

3 A. I did.

4 Q. Do you recall when?

5 A. No.

6 Q. And what was there before you built that?

7 A. If you looked at the bottom of the bookcase,  
8 there is like a railing right there. That is  
9 what it was, the half wall.

10 Q. And you just built a bookcase on top of the  
11 railing?

12 A. We put the bookcase on top of it because we  
13 had a small child. So it was like not a good  
14 idea because down over it, you know. So the  
15 bookcase is handy.

16 Q. And the vent up on the top of the ceiling, is  
17 that from the old heating system?

18 A. That is not a vent.

19 Q. What is it?

20 A. That's a recessed light.

21 Q. Do you know when that was installed?

22 A. No.

23 Q. And I noticed a lot of bookcases in here.

24 Are you an avid reader?

25 A. Not as avid as my wife, but I read a lot, yes.

1 Q. Has anything else in here been replaced since  
2 you purchased the home?

3 A. Behind the tree there is a window. That has  
4 been replaced.

5 Q. Anything else?

6 A. The carpet under the table but that's just a  
7 free carpet, so I don't think that counts.

8 Q. You can flip the page. Last one.

9 What is this a picture of?

10 A. This is the downstairs bedroom that I referred  
11 to as Johnna's room. This is the closet we  
12 were talking about, would be off to the right.  
13 There is the bed and obviously the wall.

14 Q. And is that carpet on the floor?

15 A. That is carpet on the floor.

16 Q. And is that the original carpet?

17 A. No, that has been replaced.

18 Q. Do you recall when?

19 A. Nope.

20 Q. And the wallpaper?

21 A. That has been replaced as well, yes.

22 Q. Do you recall when?

23 A. No.

24 Q. I think that is it for the photos.

25 A. Okay.

1 Q. Thank you for the tour of your home.

2 A. You're welcome.

3 Q. So you mentioned you -- you did some  
4 replacements for the -- did we already discuss  
5 the hot water boiler?

6 A. We replaced the furnace, yes.

7 Q. Let me reask, yeah.

8 Do you recall how much that cost to  
9 replace the furnace?

10 A. I can estimate it was around \$3500.

11 Q. And do you recall when you connected to  
12 municipal sewer line?

13 A. No, I don't.

14 Q. If -- would you have any reason to disagree if  
15 it was in 1993?

16 A. You've got some documentation or something? I  
17 mean, I don't know without looking.

18 Q. Would you prefer me to show you the receipt?  
19 We'll move on. That's okay.

20 Do you recall how much it cost to connect  
21 to the municipal sewer line?

22 A. Not right offhand, no.

23 Q. And for the wood flooring, have you refinished  
24 it since you moved in?

25 A. No, we haven't.

1 Q. And have you noticed -- you said your house  
2 was constructed in the '60s, correct?

3 A. Yes.

4 Q. And have you noticed, has it -- has it  
5 required more upkeep over time as it's gotten  
6 a little older?

7 A. No, not really.

8 Q. And do you have homeowners insurance?

9 A. We do. Excuse me. Yes.

10 Q. Do you know how many policies you have?

11 A. How many --

12 Q. Do you have one policy, two policies?

13 A. One.

14 Q. And do you know who your insurer is?

15 A. Yes.

16 Q. Who is it?

17 A. It's through AARP. It's the Hartford.

18 Q. And what does it cover?

19 A. It covers the -- well, the homeowners covers  
20 the home.

21 Q. Is your home fully insured?

22 A. It is.

23 Q. And what do you pay for your insurance?

24 A. I don't recall. I would have to look.

25 Q. And do you know if your insurance company has

1           evaluated your home, placed a value on your  
2           home?

3           MS. JOELSON: Object to the form. You  
4           can answer it if you understand it.

5           A. Rephrase the question. What are you asking?

6           BY MR. BARNES:

7           Q. What value did the insurance company place on  
8           your home when they issued the policy?

9           MS. JOELSON: Same objection. You can  
10          answer it if you understand it.

11          A. In our policy, they have a replacement value.

12          BY MR. BARNES:

13          Q. Do you recall what that is?

14          A. 300-and-something thousand.

15          Q. And is your home currently for sale?

16          A. No.

17          Q. Do you have any plans on selling your home?

18          A. Is there a time frame in there?

19          Q. Generally.

20          A. Yes.

21          Q. And what are your plans?

22          A. It's kind of open-ended right now. I am about  
23          to retire, so we are going to look around and  
24          sell down the road.

25          Q. So earlier you talked about possibly moving

1           farther south?

2           A.   Yes.

3           Q.   And you would sell your home to do so, as  
4               opposed to keeping a second home here?

5           A.   Yes.

6           Q.   And have you ever in the past attempted to  
7               sell your home?

8           A.   No.

9           Q.   And as far as the plans to sell your home  
10              potentially in the future goes, do you have a  
11              timeline in mind yourself?

12          A.   No.

13          Q.   And have you ever attempted to lease your  
14               home?

15          A.   No.

16          Q.   And prior to January 2016, have you ever had  
17               your well tested?

18               MS. JOSELSON:   Asked and answered, but  
19               you can answer it again.

20          A.   Excuse me.   Tested for what?

21          Q.   Anything.

22          A.   Anything.   We had it tested for potability.

23          Q.   And do you remember the results of that test?

24          A.   It was -- everything was fine.

25          Q.   And any test after 2016 for substances other

1           than PFOA?

2       A.   I think there was a -- we tested for lead, I  
3       think.

4       Q.   And do you recall what the results of that  
5       time were?

6       A.   No, not right offhand.

7       Q.   We'll come back to that.

8                   Has your well ever been tested for the  
9       presence of PFOA?

10      A.   Yes.

11      Q.   Do you recall how many times?

12      A.   Three.

13      Q.   And when were those tests conducted?

14      A.   I don't really recall.

15      Q.   And do you recall who paid for the testing?

16      A.   Say again.

17      Q.   Do you recall who paid for the testing?

18      A.   I would imagine that --

19                   MS. JOSELSON:   Don't guess.

20      A.   I don't know then, no.   I don't know who paid  
21      it.

22                   BY MR. BARNES:

23      Q.   Did you -- did you pay for it?

24      A.   I did not.

25      Q.   And where was the water collected on your

1 property during the testing, do you know that?

2 A. I know where one of them was.

3 Q. What do you mean? Do you know where one of  
4 them was you said?

5 A. Yes.

6 Q. Where was that one?

7 A. Kitchen sink.

8 MR. BARNES: We'll go ahead and mark  
9 these three exhibits.

10 (Deposition Exhibit No. 5 was marked for  
11 identification.)

12 (Off-the-record colloquy.)

13 MR. BARNES: It's the order of Bates  
14 numbers.

15 BY MR. BARNES:

16 Q. And so do you recognize these sets of  
17 documents I handed you?

18 MS. JOELSON: Take a look at them first.

19 BY MR. BARNES:

20 Q. So all four -- all four documents have been  
21 marked as Exhibit 5.

22 A. Just the one on the top.

23 Q. They are all the same exhibit.

24 A. Okay.

25 Q. Ready?



1 A. Yes.

2 Q. So on the top page, you'll see on the very  
3 bottom it says Cra-0083. Is that correct?

4 A. Yes.

5 MS. JOELSON: The top page?

6 MR. BARNES: His copy.

7 MS. JOELSON: Okay. So --

8 MR. WILSON: There we go.

9 BY MR. BARNES:

10 Q. And you'll see the very -- at the -- in the  
11 box of text it says analytical results,  
12 perfluorinated chemicals by EPA 537 UCMR3 safe  
13 drinking water analysis. Is that correct?

14 A. Yes.

15 Q. And there's an address written at the top that  
16 says 643 West Road.

17 Do you see that?

18 A. Yes.

19 Q. And do you know -- is that your handwriting?

20 A. I don't know.

21 Q. And in the slightly darker box below that it  
22 says collected 04/19/16.

23 Do you see that?

24 A. I see that.

25 Q. And on the -- under analyte name, on the

1 fourth line, it says -- it's for the PFOA  
2 line. Do you see that?

3 A. Yes.

4 Q. And across from that result says non detect.  
5 Do you see that?

6 Do you recall receiving this test result?

7 A. Yes.

8 Q. And you can flip to the next page.

9 A. Is that Cra0085?

10 Q. Yes, I believe so.

11 And do you see at the top here it's the  
12 same -- the same heading, analytical results,  
13 perfluorinated chemicals?

14 A. Yes.

15 Q. And there is an address there, 643 West Road?

16 A. Yes.

17 Q. And this -- in the black box it says collected  
18 09/21/16?

19 A. Yes.

20 Q. And on the fourth line of the analyte name for  
21 PFOA it says non detect.

22 Do you see that?

23 A. I see that.

24 Q. And do you recall -- and the handwriting, I  
25 should say in the middle of the page, it says

1 PFOA equals non detect, and then in  
2 parentheses it looks like it says less than  
3 2.3 ppt.

4 Do you see that?

5 A. I see that.

6 Q. Do you recall receiving these test results?

7 A. I do.

8 Q. You can flip the page.

9 And if you want to flip to the -- and  
10 this first page, though, is a letter addressed  
11 you to and your wife, correct?

12 A. Are we at Cra0086?

13 Q. Yes, we are.

14 A. Okay. Yes, I see that.

15 Q. And that's your address, 643 West Road?

16 A. It is.

17 Q. And the date of this letter is June 21, 2017?

18 A. Yes.

19 Q. And it looks like it was sent by the State of  
20 Vermont Department of Environmental  
21 Conservation; is that correct?

22 A. Yes.

23 Q. And do you recall receiving this letter?

24 A. Yes.

25 Q. You can flip the page.

1                   It says sampling point 643 West Road, and  
2                   in the bottom in handwriting it says PFOA 4.1  
3                   ppt.

4                   Do you see that?

5       A.    I do.

6       Q.    And do you recall receiving this test result  
7            as well?

8       A.    Yes.

9       Q.    All right. Go to the next page.

10      A.    86 or 88?

11               MS. JOSELSON: I have a page with no  
12               Bates number.

13               BY MR. BARNES:

14      Q.    Is there a Bates number on yours?

15      A.    0088.

16               MS. JOSELSON: Oh, okay. It was stapled.

17               BY MR. BARNES:

18      Q.    May I see that exhibit, please?

19               All right. And this says -- what is the  
20               date on this sampling?

21               MS. JOSELSON: There are two dates, three  
22               dates.

23               BY MR. BARNES:

24      Q.    What is the date it was collected on?

25      A.    Initial sampling date, it says 4/19/2016. The

1 second sampling, 9/21/2016.

2 Q. And do you see the line for PFOA results?

3 A. Yes.

4 Q. And what were the results on those dates?

5 A. It was looks like one was non detect, less

6 than 13; non detect, 3.8. Less than 3.8.

7 Sorry.

8 Q. And which date was that?

9 A. That was the 9/21/2016.

10 Q. And what about the other date?

11 A. One says that resampling 4/13?

12 Q. Yes.

13 A. 2017?

14 Q. Yes.

15 A. It says -- looks like 4.1.

16 Q. All right. And do you have one more page in

17 that exhibit list? It's right there. It

18 should say Cra0785.

19 A. 0785, yes.

20 Q. And this is addressed to Ted and Linda

21 Crawford at the top, correct?

22 A. Yes.

23 Q. And the sampling point is 643 West Road?

24 A. Yes.

25 Q. And the PFOA line, it looks like it's the

1           third from the bottom?

2           A.   Yeah.   Yes.

3           Q.   The results are 3 nanograms per liter; is that  
4           correct?

5           A.   Three is correct.

6           Q.   And do you remember receiving these test  
7           results?

8           A.   Yes.

9           Q.   So to your knowledge, have you ever received a  
10          testing result for PFOA above 4.1 parts per  
11          trillion?

12          A.   No.

13          Q.   And are all of these tests of the presence of  
14          PFOA in your well water?

15          A.   As far as I know, yes.

16          Q.   And what do you mean -- what do you understand  
17          it to mean when it says non detect?

18          A.   It's below a certain percentage.

19          Q.   And do you understand -- do you understand  
20          this to indicate that your water levels are  
21          below the Vermont's safe drinking water  
22          standard for PFOA?

23               MS. JOELSON:   Objection.   Calls for an  
24          expert opinion.   You can answer it if you  
25          know.

1 BY MR. BARNES:

2 Q. Are you aware of what the Vermont drinking  
3 water standard is for PFOA?

4 A. Yes.

5 Q. What is it? To your knowledge, what is it?

6 A. 20.

7 Q. And so do you understand this indicates your  
8 water levels of PFOA in your well water is  
9 less than the Vermont's drinking water  
10 standard for PFOA?

11 A. Yes.

12 Q. And when you received these results, did you  
13 take any action?

14 A. Yes.

15 Q. What action did you take?

16 A. I stopped drinking the water.

17 Q. You stopped drinking the water when you  
18 received the results or --

19 A. When it hit 4.1 we stopped.

20 Q. Did you drink it before that?

21 A. Yes.

22 Q. When -- and 4.1 was the test results in April  
23 of 2017; is that correct?

24 A. Without looking. I don't know.

25 Q. So when you had non detect for PFOA, did you

1 use water normally as you did previously?

2 A. Yes.

3 Q. And when you received the November 2017 test  
4 results of 3 parts per trillion that we saw,  
5 did your behavior change at all there?

6 A. No.

7 Q. And do you disagree with the level that the  
8 State of Vermont has set for a drinking water  
9 standard for PFOA?

10 A. Yes.

11 Q. And why is that?

12 A. It should be zero. Shouldn't be anything.  
13 Shouldn't have the poison in our well.

14 Q. And why do you believe that?

15 A. Because it's -- for one thing, it's a  
16 carcinogen, you know. It's a contaminant. It  
17 shouldn't be in our well. It shouldn't be in  
18 our water. It shouldn't be in the aquifer.

19 And how do we know what it's going to be  
20 tomorrow? How do we even know what it is  
21 today? It fluctuates. It goes all over the  
22 place. It's obviously moving.

23 Q. Do you think that the State of Vermont -- do  
24 you have -- let me withdraw that and ask a  
25 different question.



1           Why do you think the State of Vermont set  
2           the safe drinking water standard for PFOA at  
3           20 parts per trillion then?

4           MS. JOELSON:   Objection.   Calls for an  
5           expert opinion.   Asked and answered.   You can  
6           answer it again.

7           A.   I don't know.

8           MR. BARNES:   Objection to form really  
9           will be fine.

10          MS. JOELSON:   You said that.

11          MR. BARNES:   And I appreciate you  
12          recognizing that that's the only objection  
13          that's acceptable during a deposition.

14          MS. JOELSON:   If you ask proper  
15          questions, then I will make proper objections.

16          MR. WILSON:   Emily, Judge Crawford's  
17          order specifies what proper objections are,  
18          and the objections you are making are not  
19          proper.   We'll take it up if you continue with  
20          them.

21          MS. JOELSON:   And I would ask that you  
22          make objections during this deposition if  
23          you're handling them, okay?

24          MR. BARNES:   Well, I have asked, and I'd  
25          ask again to --

1 MS. JOELSON: I'm just objecting to  
2 anyone other than the attorney who is taking  
3 the deposition to be making objections during  
4 the deposition.

5 MR. WILSON: I have not made -- I have  
6 not made an objection.

7 MS. JOELSON: I'm not going to argue  
8 with you about it, Lincoln.

9 MR. WILSON: Well, you've noted your  
10 position on the record. I'm noting my  
11 position on the record that I've appeared as  
12 counsel along with Mr. Barnes, and I am  
13 entitled to state our client's position about  
14 this issue.

15 And again Judge Crawford has been very  
16 clear about what a proper objection is in this  
17 case, and we will bring it before him if this  
18 continues.

19 BY MR. BARNES:

20 Q. You also said your water was tested for the  
21 presence of lead, correct?

22 A. Yes.

23 Q. Do you recall when that test was?

24 A. No.

25 (Deposition Exhibit No. 6 was marked for

1 identification.)

2 Q. And what I just handed you is Exhibit 6, I  
3 believe.

4 And at the top you will see a date. This  
5 is August 2, 2017. Is that correct?

6 A. Correct.

7 Q. And it's addressed to Theodore and Linda  
8 Crawford, correct?

9 A. Yes.

10 Q. And that's your address, 643 West Road?

11 A. Yes.

12 Q. And it says regarding Town of Bennington PFOA  
13 water main extension, baseline lead test  
14 results at 643 West Road.

15 Did I read that correctly?

16 A. You did.

17 Q. And what is this document?

18 A. It looks like a test for lead.

19 Q. And in the middle it says your lead test  
20 result was 2.8 micrograms per liter.

21 Did I read that right?

22 A. That's right.

23 Q. And then it says aka parts per billion.

24 And do you recall receiving this letter?

25 A. Yes.

1 Q. And right below it, it's right below the test  
2 results, it says, there is currently no safe  
3 level for lead in drinking water. We strongly  
4 encourage you to contact Ms. Sille Larsen,  
5 drinking water engineer, Vermont Department of  
6 Health. And it gives her phone number. And  
7 then after that it says, she will advise you  
8 on what to do next and answer any questions  
9 you may have.

10 Did you read this letter when you  
11 received it?

12 A. Yes.

13 Q. And what did you think when you read there is  
14 no safe level of -- for lead in drinking  
15 water?

16 A. Just that, there is no safe level for drinking  
17 water.

18 Q. Were you concerned about your water when you  
19 received this letter?

20 A. No. We weren't drinking it.

21 Q. And did you take any action once you received  
22 these test results?

23 A. No. We're not drinking the water.

24 Q. Did you -- did you contact Ms. Larsen?

25 A. The same answer. No, we weren't drinking the

1 water.

2 Q. Do you know if lead was detected in any of  
3 your neighbors well water?

4 A. I do not.

5 Q. And to your knowledge, was this a test of your  
6 well water?

7 A. Yes.

8 Q. And prior to January 2017, did you ever have  
9 your soil tested for PFOA?

10 A. No.

11 Q. Did you cure any other test besides well water  
12 test and -- well water test for the presence  
13 of PFOA?

14 A. Say that again.

15 Q. Did you have any other testing done on your  
16 property besides the well water to look for  
17 the presence of PFOA?

18 A. No.

19 Q. In this matter -- let me withdraw that and ask  
20 a different question.

21 You -- do you have an opinion on whether  
22 connecting your house to a municipal waterline  
23 will change your property value at all?

24 MS. JOSELSON: Asked and answered. You  
25 can answer it again.

1       A.   No, not really.   I don't -- I don't think it's  
2       going to be -- you know, help -- it's probably  
3       going to help, but we're still going to have  
4       PFOA underneath, in our aquifer.   It's going  
5       to be there.

6       BY MR. BARNES:

7       Q.   And what do you mean by it's probably going to  
8       help?

9       A.   It -- some people might like it, but it's town  
10      water.   Some people might not.

11               When we bought our house, that was one of  
12      the things we wanted, the well, not town  
13      water.

14      Q.   So is it fair to say you're unsure what it  
15      will do to your property values?

16               MS. JOELSON:   Objection.   You can answer  
17      again.

18      A.   No, I don't know what it's going to do.

19      BY MR. BARNES:

20      Q.   And do you have an opinion on whether the  
21      airport has affected your property values?

22               MS. JOELSON:   Asked and answered.

23      BY MR. BARNES:

24      Q.   You may answer.

25               MS. JOELSON:   How many times do you want

1 to ask it?

2 MR. BARNES: Is that an objection to  
3 form?

4 MS. JOSELSON: It's an objection to the  
5 length of the depo. You've spent about half  
6 an hour on this question. Do you want to  
7 reopen this area and ask it again?

8 MR. BARNES: I would just like him  
9 to answer this question.

10 MS. JOSELSON: He already did. You want  
11 him to answer it again?

12 MR. BARNES: I would like him to answer  
13 the question that I've asked, yes.

14 MS. JOSELSON: Again.

15 You can answer it again, but maybe not  
16 the fifth time.

17 A. Want to repeat it again, please, just for a  
18 minute?

19 BY MR. BARNES:

20 Q. Do you have an opinion on whether the  
21 proximity of your home to the airport has  
22 affected your property values at all?

23 MS. JOSELSON: Same objection.

24 A. Yes, I have an opinion.

25 BY MR. BARNES:

1 Q. What is that opinion?

2 A. I don't think it does.

3 Q. And has that opinion been consistent since you  
4 moved into your house?

5 MS. JOSELSON: Asked and answered.

6 BY MR. BARNES:

7 Q. You may answer.

8 MS. JOSELSON: Again.

9 A. Has the -- my opinion changed? No.

10 BY MR. BARNES:

11 Q. And in this matter did you estimate the range  
12 of value for your home?

13 MS. JOSELSON: Object to the form. You  
14 can answer it.

15 BY MR. BARNES:

16 Q. Do you need me to repeat the question?

17 A. Yes.

18 Q. In this matter, did you ever estimate the  
19 range of value for your home?

20 MS. JOSELSON: Object to the form.

21 A. Before or after the PFOA?

22 BY MR. BARNES:

23 Q. Before.

24 A. Before? Yes.

25 Q. And what was your estimate?



1 A. 180,000 to 200,000.

2 Q. And how did you reach that estimate?

3 A. Because I've lived in Bennington all my life  
4 and see how property values go and the  
5 location of our home, and that's what I think  
6 it's worth.

7 Q. Did you do any additional research on the  
8 housing market in Bennington to come up with  
9 your valuation?

10 A. No.

11 Q. Did you analyze any market data?

12 A. No.

13 Q. Did you talk to any real estate brokers about  
14 the potential valuation of your home?

15 A. No.

16 Q. Did you consult with any other person at all  
17 to arrive at your opinions?

18 A. Just my wife.

19 Q. Did she talk to anyone else besides you to  
20 arrive at the opinion?

21 A. Not that I am aware of.

22 Q. And did you also estimate the diminished range  
23 of value for your home considering the  
24 presence of PFOA?

25 A. Yes.

1 Q. And what was your estimate?

2 A. 145 to 160 or so. Somewhere in there.

3 Q. And did you do any additional research to come  
4 up with that estimate?

5 A. No. It's just my own personal feelings and  
6 what I would do if I was buying it.

7 Q. Is that sort of based on your familiarity with  
8 the community and your home?

9 A. Knowing what -- you know, what the surrounding  
10 area is and the fact that we're in the zone of  
11 contamination. I think it's going to be a  
12 hard sell. We would take less than what it  
13 should be.

14 Q. And how did the fact that you originally  
15 tested non detect for PFOA factor into your  
16 analysis?

17 A. We weren't non detect the last one. The one  
18 before that was even higher. So, like I said,  
19 we don't know what it is now, right now. We  
20 don't know what it's going to be in five  
21 months, two months.

22 Q. And did you --

23 A. Wait a minute. I just want to say one more  
24 thing.

25 When we go to sell the house, which will

1 be at some point in the future, we are going  
2 to have to say that we're in the zone of  
3 contamination. We have PFOA.

4 Q. And do you think that you -- your property  
5 values have been impacted less than  
6 individuals whose wells have tested higher for  
7 more PFOA in their well water?

8 MS. JOELSON: Objection.

9 BY MR. BARNES:

10 Q. You may answer.

11 A. No. We are all damaged the same way. We all  
12 have -- we're all in the zone of  
13 contamination.

14 Q. So to clarify, an individual whose well water  
15 tested, you know, above the Vermont's drinking  
16 water standard for PFOA was impacted the same  
17 as individuals below, for example?

18 MS. JOELSON: Object.

19 A. Correct.

20 BY MR. BARNES:

21 Q. And what is your basis for that opinion?

22 A. We're all damaged the same way. We're  
23 contaminated, whether it's a small percentage  
24 or none or -- well, not none, but a small  
25 percentage. We're all in the zone. We're all

1 in the same boat.

2 Q. And did you consult with anyone to arrive at  
3 this opinion?

4 A. No.

5 Q. Did you do any research to arrive at this  
6 opinion?

7 A. No.

8 Q. And how did you -- you were able to do this  
9 evaluation for the effective PFOA in your home  
10 value, but you were not able to do the effect  
11 of the airport or a municipal water supply on  
12 your home value?

13 MS. JOSELSON: Objection.

14 A. I think you asked me a couple questions in  
15 there.

16 BY MR. BARNES:

17 Q. I'll rephrase to clarify.

18 Why were you able to estimate a  
19 diminished value of your home for the presence  
20 of PFOA but not for your proximity to the  
21 airport or a new connection to the municipal  
22 water supply?

23 MS. JOSELSON: Objection.

24 A. Still asking me a couple different questions  
25 in there. Just -- can you just simplify that

1 a little bit?

2 BY MR. BARNES:

3 Q. You were able to arrive at an opinion about  
4 the effect on your home value of the presence  
5 of PFOA in your well water, correct?

6 A. Yes.

7 Q. But you were not able to arrive at an opinion  
8 about the effect of a municipal water supply  
9 connection to your home values?

10 MS. JOSELSON: Objection. Contrary to  
11 the testimony.

12 BY MR. BARNES:

13 Q. You were unsure of whether or not it would  
14 harm or help your home value?

15 MS. JOSELSON: Objection.

16 BY MR. BARNES:

17 Q. So when you just gave me your diminished value  
18 for your home for the presence of PFOA, why  
19 were you able to do that versus estimate the  
20 effect of your home's proximity to the airport  
21 on your home value?

22 MS. JOSELSON: Objection.

23 BY MR. BARNES:

24 Q. You can answer, if you can.

25 A. The airport was only if it was an extension

1           and they made it bigger and put jet planes in  
2           there. So it's a nonissue because they didn't  
3           do it.

4           BY MR. BARNES:

5           Q. And for the connection to the municipal water  
6           supply, why were you not able to estimate that  
7           effect on your home value?

8                   MS. JOSELSON: Objection. Misstates the  
9           evidence.

10          BY MR. BARNES:

11          Q. You may answer.

12          A. I don't know what that would be. So, no, I  
13          didn't do it.

14          Q. And I apologize. I'm not trying to  
15          mischaracterize your testimony. I am sorry if  
16          that came across. I just want to try and  
17          simplify and clarify for you, ask different  
18          ways, but I thank you for that answer.

19                   Have you ever tested the value of other  
20          properties located near your property?

21          A. Have I accessed them?

22          Q. Assessed those values?

23          A. No.

24          Q. And do you believe you're qualified to address  
25          the value of your own home?

1 A. Yes. I live there and it's my house. I know  
2 what I did to it and what we paid for it and  
3 what it should be worth.

4 Q. And do you have any education or training or  
5 expertise in real estate valuations?

6 A. No.

7 Q. Do you have any training in real estate sales?

8 A. No.

9 Q. Have you ever appraised your own property  
10 before?

11 A. No.

12 Q. Have you ever estimated the list price for a  
13 property?

14 A. No.

15 Q. Have you ever sold a property?

16 A. No.

17 Q. And so what is your understanding of the  
18 physical impact of PFOA on your property?

19 A. Con -- our water supply was contaminated, so  
20 we don't know if it's in the groundwater too  
21 or not. We don't garden any longer. We  
22 certainly can't use our water to water a  
23 garden which we don't have anymore anyway,  
24 but, you know.

25 Q. Anything else?

1 A. No.

2 Q. Nothing else? And -- go on.

3 A. Go ahead. No, that's good.

4 Q. And do you know for a fact if your neighbor's  
5 properties were physically impacted in the  
6 same way as your property?

7 A. I don't know, no. I know several of them have  
8 been hooked onto the water, and they wouldn't  
9 have hooked on if they weren't impacted, I  
10 would imagine.

11 Q. Could you clarify for me, what do you mean by  
12 hooked down to the water?

13 A. The waterline has been physically attached to  
14 their homes.

15 Q. The municipal water line?

16 A. Municipal water line.

17 Q. And your neighbors had their well water tested  
18 for PFOA too, correct?

19 A. I know that one did or two did. I know that  
20 two did.

21 Q. And do you know if their test results were  
22 above 20 parts per trillion for PFOA in their  
23 well water?

24 A. I know one was.

25 Q. And do you believe that that neighbor's home



1 value has been affected in the same manner as  
2 your home value?

3 MS. JOELSON: Objection.

4 BY MR. BARNES:

5 Q. You may answer.

6 A. We are all in the same boat. So it would have  
7 to be the same thing.

8 Q. Have you ever been offered a POET system?

9 A. No.

10 Q. And so you have used -- I think you used the  
11 term zone of contamination a few times.

12 What is your understanding of that term?

13 A. What's the term?

14 Q. Zone of contamination.

15 A. Zone of contamination. That's what the state  
16 has designated where PFOA is present or could  
17 be present.

18 Q. And is it -- do you know if -- for an area to  
19 fall within the term zone of contamination  
20 does the level of PFOA have to be above a  
21 certain threshold?

22 A. I don't know.

23 Q. And do you know if all the homes in the zone  
24 of contamination have had testing results for  
25 PFOA below 20 parts per trillion?

1 A. I don't know.

2 Q. I want to talk a little bit now finally about  
3 the other uses of your home, if you don't  
4 mind.

5 MR. SILVER: Can we take a little break  
6 now?

7 MR. BARNES: Yeah, I think so. Let's do  
8 that.

9 THE VIDEOGRAPHER: The time is now  
10 approximately 1:59 p.m. Going off the record.

11 (Brief recess taken.)

12 THE VIDEOGRAPHER: The time is now  
13 approximately 2:22 p.m. Going back on the  
14 record.

15 BY MR. BARNES:

16 Q. All right. Mr. Crawford, the home stretch.  
17 So I am going to ask you just a few questions  
18 about the use of your property.

19 So do you entertain socially all your  
20 friends at your house?

21 A. Occasionally.

22 Q. How often do you mean by occasionally?

23 A. Three or four times a year perhaps.

24 Q. Are these indoor gatherings?

25 A. Generally.

1 Q. Do you ever have outdoor barbecues or  
2 anything?

3 A. Rarely.

4 Q. Do you use your home for any commercial  
5 activity?

6 A. No.

7 Q. And do you play sports on your land?

8 A. Not as much as I used to, but, yes, we still  
9 play like badminton.

10 Q. Anything else?

11 A. No, that's it. Horseshoes. Sorry.

12 Q. And how, if at all, has the presence of PFOA  
13 affected your ability to entertain socially?

14 A. Well, my wife has a couple friends that won't  
15 drink the water any longer. And, you know,  
16 we don't know how the soil is. So, you know,  
17 people -- you got PFOA in your -- in the --  
18 you know, in your grass and in your ground?  
19 And not that we know of, but, you know, people  
20 ask the questions.

21 Q. But you haven't moved to test your soil for  
22 PFOA?

23 A. No.

24 Q. And do you -- do those friends still come over  
25 to your house for social events?

1 A. Actually haven't seen them in a while, but I  
2 don't know if they are going to come over or  
3 not any longer.

4 Q. And where do they live?

5 A. Linda's good friends live in Pawlet, and she  
6 is the one that doesn't -- she won't come down  
7 and drink any water or eat anything because we  
8 don't trust it anymore. And, of course, my  
9 family is all -- lives here, so...

10 Q. Did she visit your property around the time  
11 that your wells were testing non detect?

12 A. No, I don't believe so.

13 Q. And has she visited in the past year?

14 A. Yes.

15 Q. And how has -- if at all, has the presence of  
16 PFOA affected your ability to play sports  
17 outside?

18 A. Well, we just don't anymore. So, you know,  
19 it's something you think about, you know.

20 Q. Was that because of the presence of PFOA is  
21 why you don't play sports outside?

22 A. That's part of the reason, yeah.

23 Q. And what are you concerned will happen if you  
24 play sports outside?

25 A. We don't know if -- where the ground

1           contamination is. I mean, the only thing we  
2           know is we're in the zone of contamination,  
3           and we don't know what that really means for  
4           the soil.

5       Q. And since you first became aware of PFOA, have  
6       you taken any steps to have it removed from  
7       the soil?

8       A. No.

9       Q. Have you taken any steps to have it removed  
10      from the well water?

11      A. No.

12      Q. And so did you live in your home at the  
13      time -- are you aware if you lived in your  
14      home at the time the former ChemFab facility  
15      in North Bennington was at 1030 Water Street?

16      A. Are you asking me if I know where ChemFab was?

17      Q. Do you know -- the former ChemFab facility,  
18      which was located in North Bennington at 1030  
19      Water Street, are you aware if you were living  
20      in your house at the time it was active?

21      A. Yes.

22      Q. And were you aware of the facility at that  
23      time?

24      A. You've got to drive by it if you are going to  
25      North Bennington, so yes.

1 Q. And what impressions, if any, did you have of  
2 this facility at that time?

3 MS. JOSELSON: Objection. You can  
4 answer.

5 A. It was a factory where they made a product.

6 BY MR. BARNES:

7 Q. Did you have any concerns about it?

8 A. No, not at that time.

9 Q. And approximately how far is your home from  
10 1030 Water Street?

11 A. By road or as the crow flies?

12 Q. Let's do crow flies first.

13 A. I would estimate that to be about three miles  
14 maybe.

15 Q. How about by road?

16 A. By road a little bit longer.

17 Q. And when the former ChemFab facility was at  
18 108 Northside Drive, did you live in your  
19 house during that time as well?

20 A. I don't know what years they were there. I  
21 don't remember.

22 Q. Were you ever aware of the facility at 108  
23 Northside Drive?

24 A. Not that I recall. It was a Ford dealership  
25 the last I remember.

1 Q. And do you happen to know how far your home is  
2 from that location, as the crow flies?

3 A. As the crow flies, it's about a mile and a  
4 half. Maybe two miles.

5 Q. And are you aware of the Bennington landfill  
6 as well?

7 A. Do I know where it is or was?

8 Q. Do you know where it was?

9 A. Yes.

10 Q. And what impressions did you have of the  
11 landfill when it was active?

12 MS. JOELSON: Objection. You can answer  
13 it if you understand it.

14 A. What impression did I have of it? It was --  
15 it was a landfill, dump as we used to call it.

16 BY MR. BARNES:

17 Q. Ask how far is your home from it?

18 A. I would estimate that to be five, six miles.

19 Q. And did you have any concerns about the  
20 landfill's presence in Bennington?

21 A. No.

22 Q. All right. And so your home has been  
23 periodically assessed by the Town of  
24 Bennington to determine the cost of your  
25 property taxes, correct?

1 A. Correct.

2 Q. And one of those assessments was in 2008,  
3 correct?

4 A. Yes.

5 Q. And do you recall how much that assessment was  
6 in 2008?

7 A. It was 136,000. In that neighborhood.

8 Q. And do you have any reason to disagree if it  
9 was \$136,200?

10 A. No, I think that is in the neighborhood.

11 Q. And it was also assessed in 2017, correct?

12 MS. JOELSON: Objection. Misstates the  
13 evidence, but you can answer if you understand  
14 it.

15 MR. BARNES: Objection to form will be  
16 fine. Go ahead.

17 MS. JOELSON: Then don't mischaracterize  
18 the evidence.

19 MR. BARNES: I think I just asked did --  
20 was your home assessed in 2017.

21 MS. JOELSON: Yes, I know.

22 MR. BARNES: And I'm asking him to answer  
23 that question. I think that's a --

24 MS. JOELSON: You said your home was  
25 assessed by the town in 2017, wasn't it?



1           MR. BARNES: And can he say yes or no to  
2           that?

3           MS. JOSELSON: I'm saying I made my  
4           objection.

5           You can answer it if you understand it.

6           MR. BARNES: Another improper objection.

7           MR. WILSON: Emily, this is well beyond  
8           the scope of what's appropriate.

9           MS. JOSELSON: Take a look at the tax  
10          bill and tell me when the town last reassessed  
11          properties in Bennington, and then you tell me  
12          if that's an accurate question.

13          MR. WILSON: Emily, I am entitled to make  
14          my objections, and I'd thank you not to  
15          interrupt me when I'm making them, and this is  
16          not proper here. He is asking a completely  
17          proper question that has not characterized the  
18          record in any way. What you're doing is  
19          coaching the witness. I know Judge Crawford  
20          is not going to appreciate it, but I think  
21          we're making our record here.

22          We've been very clear about the nature of  
23          these objections, and we've asked you  
24          repeatedly to let it stop. Not going to let  
25          it stop, we'll bring it before the Court.

1 MS. JOSELSON: One, I don't think you're  
2 entitled to make objections when you're not  
3 taking the deposition. Two, I believe the  
4 record will reflect that you asked him a  
5 question which implied that the town  
6 reappraised or reassessed in 2017, and I  
7 believe that that misstates the evidence. And  
8 I don't think you are allowed to ask that.  
9 You may ask it and he may answer it, but I'm  
10 putting my objections on the record.

11 MR. BARNES: So what I would say is that  
12 there is only one valid objection, and it's  
13 objection to form. And --

14 MS. JOSELSON: Yes, you've --

15 MR. BARNES: And every time we discuss  
16 this it hinders this. It slows us down  
17 further, further and further for us, you, and  
18 the --

19 MS. JOSELSON: There's a lot that slows  
20 us down. Asking the same question 17 times  
21 also slows us down.

22 MR. WILSON: Emily, if I say two plus two  
23 is five, yes or no, that's not implying  
24 anything about what the correct answer is.

25 MS. JOSELSON: I believe the record will

1 reflect what the question was that I objected  
2 to, which I thought misstated the evidence. I  
3 may be wrong. You may ask your question. You  
4 may answer it. My objection is on the record.

5 MR. WILSON: And misstates the evidence  
6 again is not a proper objection. Objection to  
7 form is sufficient.

8 BY MR. BARNES:

9 Q. And so I'll reask that question again if --

10 A. Okay.

11 Q. -- you need me to.

12 And you said -- and your home was  
13 assessed in 2017 again for -- to determine the  
14 cost of your property taxes, correct?

15 MS. JOSELSON: Objection. You may answer  
16 it.

17 A. We have a tax bill for 2017, 2018, yes.

18 BY MR. BARNES:

19 Q. And do you recall what -- what the value of  
20 your home was on that tax bill?

21 A. I think it was 146,000.

22 Q. 146,000 or would you disagree if I said it was  
23 136,000?

24 A. I would like to see it. How's that?

25 Q. Happy to do that.

1 MR. BARNES: This is the next exhibit.

2 (Deposition Exhibit No. 7 was marked for  
3 identification.)

4 (Off-the-record colloquy.)

5 BY MR. BARNES:

6 Q. So the document I just handed you has been  
7 marked an Exhibit 7?

8 A. Seven.

9 Q. And at the top it says Town of Bennington. On  
10 the top left it says tax bill.

11 A. Yes.

12 Q. And the bill date says 08/09/2017; is that  
13 correct?

14 A. That's correct.

15 Q. And the tax year says 2017, dash, to 18?

16 A. Correct.

17 Q. And directly to the right of that it says,  
18 bill for July 1, 2017, to June 30, 2018. Is  
19 that correct?

20 It's the small text right beside the word  
21 tax year.

22 A. Maybe I am missing that.

23 Q. It's directly below the phone number on the  
24 header.

25 A. Whose phone number?

1 Q. On the header at the very top?

2 A. Oh, okay. All right. Yeah, okay. I see it.

3 Q. And in the first box it says assessed value,  
4 and it says, below that, total taxable value  
5 136,200.

6 Did I read that correctly?

7 A. Yes.

8 Q. And so was this the same total taxable value  
9 as your home was assessed for in 2008?

10 MS. JOSELSON: Objection, but you can  
11 answer it.

12 A. As best I recall, yes.

13 BY MR. BARNES:

14 Q. And -- but it's your opinion that the presence  
15 of PFOA -- detecting the presence of PFOA has  
16 detracted from your home value?

17 A. Yes.

18 Q. Did you challenge this 2017 tax assessment?

19 A. No.

20 Q. And have you incurred any other expenses due  
21 to PFOA in the groundwater -- let me  
22 actually -- let me withdraw that and re-ask  
23 that.

24 What expenses have you incurred due to  
25 PFOA in the groundwater?

1       A.   We are buying our own bottled water to drink  
2           and cook with.

3       Q.   Anything else?

4       A.   No.

5       Q.   And have you been reimbursed for that?

6       A.   No.

7       Q.   Do you know approximately how much you spend  
8           per week on bottled water?

9       A.   I would estimate around \$15.

10      Q.   Is that for both you and your wife?

11      A.   Yes.

12      Q.   And the other residents of your household?

13      A.   No.   They like another kind of bottled water.

14      Q.   Do they buy their own?

15      A.   They buy their own.

16      Q.   Do you believe you'll have to incur any  
17           expense in the future due to PFOA in the  
18           groundwater?

19      A.   Yes, because we are still going to buy -- most  
20           likely we will buy bottled water still because  
21           the chlorine is a little strong in  
22           Bennington's water.   We are used to zero.   I  
23           mean, I keep my pool lower in chlorine than  
24           the town uses in the water supply.

25      Q.   And this is because you are planning on

1 connecting to the municipal water supply; is  
2 that correct?

3 A. Yes.

4 Q. And so you will still use bottled water after  
5 connecting to the municipal water supply; is  
6 that correct?

7 A. Yes, we will.

8 Q. And when did you first hear about PFOA?

9 A. Boy, it was on Hoosick Falls' water supply --  
10 Hoosick Falls, New York. So two and a half,  
11 three years ago.

12 Q. What would the general year be for that?

13 A. 2014, '15. Somewhere in there.

14 Q. And how did you hear about it?

15 A. It was all over the news.

16 Q. And do you recall what you -- what you learned  
17 about it at that time?

18 A. We learned that it was a contamination in the  
19 water supply in Hoosick Falls. Then I don't  
20 really know why they started testing it here  
21 in Vermont, but that's when we started going  
22 to meetings. We were concerned.

23 Q. And around what time did you start going to  
24 meetings?

25 A. I don't recall.

1 Q. Did you take any other action based on the  
2 information you learned?

3 A. Not at that time. There is not a lot you can  
4 do. You have to find out -- you know, like  
5 they tested. We got our blood test done.

6 Q. And did you have any immediate concerns about  
7 the presence of PFOA when you first learned  
8 about it?

9 A. We were concerned about it, yes. Health wise.

10 Q. Say that again?

11 A. Health wise.

12 Q. Did you have any concerns about your property?

13 A. Not at first, but then as we got into it, wow,  
14 it's going to be not a good thing to have on  
15 your -- when you have to disclose that when  
16 you are selling your home.

17 Q. And so in general what is your understanding  
18 of what -- about what this lawsuit is about?

19 A. This is about people getting treated fairly  
20 for damages they have incurred from getting  
21 the -- in the -- being in the zone of  
22 contamination and people having -- that have  
23 medical issues getting medical monitoring  
24 ongoing.

25 Q. And what is your understanding of what this



1 lawsuit alleges that Saint-Gobain did wrong?

2 A. They were careless with a very dangerous  
3 chemical and they let it get away from them,  
4 in the water, into the air, into the ground.

5 Q. And do you understand this is a class action  
6 case, correct?

7 A. I do.

8 Q. And what does that term mean to you, class  
9 action?

10 A. It means there is a lot of injured parties  
11 that have damage, but there is going to be  
12 just a few class representatives that are  
13 going to represent the -- the other people.  
14 And it's going to save -- because it's a class  
15 action, it's going to save time and money and  
16 the court's time.

17 Q. And do you understand that you are being  
18 offered as one of those representatives in the  
19 class?

20 A. I am being what?

21 Q. Do you understand that you are being offered  
22 as one of those representatives of the class?

23 A. Yes.

24 Q. And which class or classes are you a  
25 representative of?

1 A. I am representing the class -- only one class,  
2 people that have their property damaged.

3 Q. And so you understand that -- you understand  
4 yourself to not be representing the exposure  
5 class?

6 A. Say that again?

7 Q. And so you understand that you are not  
8 representing the exposure class --

9 A. Correct.

10 Q. -- seeking medical monitor?

11 And your wife is part of that class, the  
12 exposure class?

13 A. She is.

14 Q. And have you ever been a representative of the  
15 exposure class?

16 A. No.

17 Q. And so what do you understand to be your  
18 duties as a representative of just the  
19 property damage class?

20 A. To represent everybody in the class and to  
21 treat everybody as the same, to pay attention  
22 to what is going on with the lawsuit, keep up  
23 with things, do this. That position, sorry.  
24 That's about it.

25 Q. Anything else?

1 A. No.

2 Q. And do you believe that your injuries are the  
3 same as everyone else in the property damage  
4 class?

5 A. Yes, we're all damaged the same.

6 Q. Do you believe that any have been damaged more  
7 than you?

8 A. No. We're all the same.

9 Q. And you have had your blood tested for PFOA,  
10 correct?

11 A. I did.

12 Q. Do you recall what the -- what the results  
13 were?

14 A. Yes.

15 Q. What were they?

16 A. 1.7.

17 Q. Would that be micrograms per liter?

18 A. I believe so, yeah.

19 Q. And when did you have your blood tested?

20 A. I don't recall.

21 Q. Was it before or after you joined the  
22 litigation?

23 A. I don't -- I don't recall.

24 Q. Do you recall who performed the blood test?

25 A. Yes.

1 Q. Who was that?

2 A. It was done by the State of Vermont down on  
3 Main Street.

4 Q. And what were you told about your results?

5 A. That it was under the national average.

6 Q. And did you talk to anyone else about the  
7 results of your blood test?

8 A. Just my wife and my doctor.

9 Q. And did your doctor have any advice about the  
10 results of your blood test?

11 MS. JOSELSON: Objection. I'm going to  
12 ask that you not answer any questions  
13 regarding medical issues as directed by Judge  
14 Crawford.

15 MR. BARNES: Could you repeat the  
16 question for me?

17 (Previous question read back by The  
18 Reporter.)

19 MR. BARNES: Emily, we believe this is a  
20 proper question and this is an improper  
21 objection, but -- so we're going to reserve  
22 our rights to reopen the deposition if need  
23 be, but we'll move on if you'd like to.

24 MS. JOSELSON: Let's look at Judge  
25 Crawford's order.

1           The Court understands the plaintiffs'  
2           position to be that members of the potential  
3           class who do not have elevated PFOA levels are  
4           not potential subjects to medical monitoring.  
5           Two proposed class representatives fit this  
6           description. The requirement, production of  
7           medical records, does not apply to them.

8           I am interpreting that to mean that  
9           questions regarding PFOA for the two proposed  
10          class reps who do not have elevated levels of  
11          PFOA in their blood and who are not potential  
12          subjects for medical monitoring are not proper  
13          subjects for asking about anything to do with  
14          medical opinions and PFOA specific to them.

15          MR. BARNES: I do understand your  
16          reading. I think it's an overly broad  
17          reading, and I think it's an improper basis to  
18          instruct the witness not to answer a question  
19          during a deposition.

20          And I do think that he -- that the  
21          witness has testified that there is no safe  
22          level of PFOA in the well water, and I think  
23          it's a fair question to ask what his doctor  
24          has said after he's told us he's talked to his  
25          doctor about his blood test results.

1 MS. JOSELSON: You asked him --

2 MR. BARNES: But if you would like to  
3 stand on the objection, we will move on and  
4 just reserve our rights.

5 MS. JOSELSON: Anything that someone says  
6 to their doctor is protected by  
7 attorney/client privilege. It's further  
8 protected by the scope of the discovery that  
9 Judge Crawford has ordered for non-exposure  
10 class members.

11 MR. SILVER: Subject to --

12 MS. JOSELSON: I meant doctor/patient.  
13 Sorry.

14 MR. BARNES: We knew what you meant.  
15 We'll reserve our rights there.

16 MR. WILSON: And I would add that we  
17 think that the -- it's been placed at issue  
18 for a number of reasons relative to the  
19 witness's testimony today, but we'll -- again  
20 we'll reserve our rights.

21 MS. JOSELSON: Okay.

22 BY MR. BARNES:

23 Q. Earlier you had said that you -- you use your  
24 bottled water for drinking.

25 Do you also use bottled water for

1 cooking?

2 A. Yes.

3 Q. Do you ever use your well water to cook  
4 anymore?

5 A. No.

6 Q. Do you bathe with the well water?

7 A. Yes, we have to. It's a shower.

8 Q. Do you water your lawn with well water?

9 A. No. God waters my lawn with rain.

10 Q. Do you use your well water for anything else?

11 A. Washing clothes.

12 Q. And do you -- do you know the other plaintiffs  
13 in this lawsuit, the other named plaintiffs in  
14 this lawsuit?

15 A. Do I know the ones that we have met here at  
16 the lawyer's office?

17 Q. Any -- anywhere.

18 A. Oh.

19 Q. Do you personally know the other class  
20 representatives in this case?

21 A. No, I do not.

22 Q. Have you ever discussed them -- discussed with  
23 the class representatives about this  
24 litigation at this office?

25 MS. JOELSON: He's not asking about any

1           discussions you have had with your attorneys.

2           THE WITNESS: Oh.

3           MR. BARNES: Just the class  
4           representatives.

5       A. No. I mean, we -- we chatted, but we didn't  
6       really talk about the case.

7       BY MR. BARNES:

8       Q. Did you ever talk to them about Saint-Gobain?

9       A. No.

10      Q. Or ChemFab?

11      A. No.

12      Q. And have you ever had discussions with any  
13      Bennington resident about PFOA?

14      A. Family members.

15      Q. Family members as in your brothers and sister?

16      A. Yes.

17      Q. And your kids?

18      A. My kids or their kids?

19      Q. Your kids.

20      A. Yes.

21      Q. And what did you discuss with your brothers  
22      and sisters.

23      A. The fact that we are in the zone of  
24      contamination and we're going to have to do  
25      something with our water supply.



1 Q. And do you recall when you had some of these  
2 discussions?

3 A. No.

4 Q. And what about with your children, what did  
5 you discuss about PFOA?

6 A. The same thing, just -- and then, of course  
7 because Chelsea lives with us, we told her she  
8 has to be careful, don't drink the water, use  
9 the bottled water, which she does most of the  
10 time, other than soda.

11 Q. Other than soda?

12 A. Yeah, she drinks a lot of soda, unfortunately,  
13 as does her boyfriend but...

14 Q. And for the brothers and sisters, have they  
15 ever had their blood testified for PFOA?

16 A. Not that I'm aware of.

17 Q. Have they ever had their water tested for  
18 PFOA?

19 A. Not that I am aware of.

20 Q. And has your children ever had their blood  
21 tested for PFOA?

22 A. Chelsea has.

23 Q. But you don't recall the results of that?

24 A. No, I don't.

25 Q. And have you ever had any discussion with any

1 Bennington resident about Saint-Gobain?

2 A. Also known as ChemFab?

3 Q. Yes.

4 A. Yes.

5 Q. And what specifically was discussed?

6 A. Just about the process that they used to make  
7 the fabric that they used to send out to --  
8 for domes and that sort of thing.

9 Q. And do you recall when these discussions  
10 occurred?

11 A. God, no.

12 Q. And have you ever communicated with any member  
13 of a government agency about PFOA?

14 A. Government meaning the State of Vermont?

15 Q. Local, state or federal.

16 A. Well, we went to several meetings. The state  
17 people were there, and we didn't really  
18 discuss anything. We just listened to what  
19 they had to say.

20 Q. And did you ask them any questions?

21 A. No.

22 Q. Did you discuss ChemFab or Saint-Gobain with  
23 any government agency?

24 A. With any who?

25 Q. Government agency?

1 A. Oh, no.

2 Q. And do you know any former ChemFab employees?

3 A. Yes.

4 Q. How many?

5 A. Three, four maybe.

6 Q. Do you recall their names?

7 A. I know Edward Freschette is one. Bill -- what  
8 was his last name? Tom -- yeah, Bill Thompson  
9 and Jeff Madison and Jeff's brother, Gary  
10 Madison, I believe worked there too.

11 Q. For three of those I think the spelling might  
12 be easy, but will you spell the first name if  
13 you can?

14 A. Spell the first name? Eddie? Eddie  
15 Freschette?

16 Q. Mm-hmm.

17 A. You'll have to look it up.

18 Q. So you're probably unable to spell that, too?

19 A. Yeah, that's --

20 Q. The court reporter is out of luck.

21 A. It's Eddie. I am sorry. Freschette. It's a  
22 french name. All I can tell you.

23 Q. Do you know if those four individuals still  
24 live in Bennington?

25 A. Two of them do.

1 Q. Do you know where they live?

2 A. No, I don't.

3 Q. Have you spoken with them at all about PFOA?

4 A. No.

5 Q. Have you -- or about Saint-Gobain?

6 A. No.

7 Q. Have you spoken to them at all in the last  
8 five years?

9 A. No. One maybe. Yeah, one of them. No, it  
10 was more than five years ago. Never mind.

11 Q. Who is the one you were thinking of?

12 A. Jeff Madison.

13 Q. And is he one of the ones that still live  
14 here?

15 A. Yes.

16 Q. Do you recall what you spoke about generally?

17 A. It was at my father's funeral, so no.

18 Q. And have you ever communicated with any  
19 Saint-Gobain employees about PFOA?

20 A. No.

21 Q. Have you ever -- have you ever communicated  
22 with any Saint-Gobain employees about just  
23 general company operations?

24 MS. JOSELSON: Asked and answered. You  
25 can answer it again.

1 A. No, other than just, you know, what they make  
2 or what they made I should say.

3 MR. BARNES: All right. Give me one --  
4 it's the next exhibit, last exhibit.

5 (Deposition Exhibit No. 8 was marked for  
6 identification.)

7 THE WITNESS: Thank you.

8 BY MR. BARNES:

9 Q. Do you recognize this document, Mr. Crawford?

10 A. Yes.

11 Q. And what is it?

12 A. It's a declaration in support of plaintiffs'  
13 motion for class certification.

14 Q. And this is for you, correct?

15 A. It is.

16 Q. And what role did you have in preparing this  
17 document?

18 A. I answered questions.

19 Q. Did you draft any responses?

20 A. Yes.

21 Q. Do you recall which part of this you had  
22 drafted?

23 A. Not right offhand, but it looks like I did  
24 most of it.

25 Q. And did you receive any assistance in

1 preparing the other parts of the document?

2 You don't have to go into any  
3 conversations with attorneys, but did anyone  
4 assist you?

5 A. Yes.

6 Q. And without going into conversations, who  
7 assisted you?

8 A. Our legal team.

9 Q. Anybody else?

10 A. My wife.

11 Q. She helped you draft some of these responses  
12 or --

13 A. We talked about some of them, yes.

14 Q. Do you recall which ones?

15 A. No.

16 Q. And did you review this document before  
17 signing it?

18 A. Yes.

19 Q. And do you believe right now that everything  
20 in here is true?

21 A. You're going to want me to read this closer,  
22 aren't you? Yes.

23 Q. And do you recall -- we already discussed your  
24 wife had her blood tested for PFOA, but do you  
25 recall her blood test levels?

1 A. Yes.

2 Q. What was it?

3 A. I believe it was 2.4.

4 Q. It was above 2.1 at least?

5 A. Yes.

6 Q. And yours is below 2.1?

7 A. Yes.

8 Q. And do you know of any differences between you  
9 and your wife that might explain the  
10 difference -- differences in blood level, PFOA  
11 levels in your blood?

12 MS. JOSELSON: Objection. You can  
13 answer.

14 A. Yes.

15 BY MR. BARNES:

16 Q. What is that?

17 A. She is retired, several years, is home all  
18 day. She drinks a lot more of our water, or  
19 she did drink a lot more water than I did.  
20 Because I would go to work and drinking water  
21 at work, which was on the municipal system  
22 already. So she had more access to the water  
23 and she drank more. And she takes a big glass  
24 of water to bed every night.

25 Q. Any other differences?

1 A. She is not as heavy as I am, not -- no, that's  
2 it.

3 Q. And this is the well water -- this is the well  
4 water you are speaking of that she drinks more  
5 of?

6 A. Yes.

7 Q. And do you often travel together too?

8 A. Yes.

9 Q. Do you ever travel separately out of  
10 Bennington?

11 A. Yes.

12 Q. For what occasions?

13 A. Doctors' appointments mostly.

14 Q. And do you know how frequently generally you  
15 travel outside of Bennington?

16 A. She goes to Rutland once a month.

17 MS. JOELSON: No, I think --

18 BY MR. BARNES:

19 Q. I asked how frequently you go for right now.

20 A. How far I go?

21 Q. How frequently do you go.

22 A. Oh, how frequent? Me.

23 MS. JOELSON: Listen to the question.

24 How frequently do you leave Bennington.

25 THE WITNESS: Oh, okay.



1 MS. JOSELSON: If you can answer.

2 A. Maybe five times a year and then when we go on  
3 vacation.

4 BY MR. BARNES:

5 Q. And how frequently do you -- does your wife  
6 leave Bennington each year?

7 A. She goes at least once a month to Rutland, and  
8 then her doctor is also in Hoosick Falls. So  
9 she goes there. And her dentist is  
10 Manchester, so we go there. That's out of  
11 Bennington but not very far.

12 And then we go to Rhode Island once a  
13 year or twice a year, once or twice.

14 Q. You go to Rhode Island together?

15 A. Yes.

16 MR. BARNES: Well, Mr. Crawford and  
17 plaintiffs' counsel, I have no further  
18 questions at this time. Thank you very much  
19 for your time.

20 We're going to reserve our right to keep  
21 it open due to what we maintain has been  
22 improper instructions to not answer certain  
23 questions we have asked.

24 But, Mr. Crawford, I genuinely appreciate  
25 your time and thank you for answering my

1 questions.

2 MS. JOELSON: Can you mark this?

3 MR. BARNES: Can we mark this?

4 MS. JOELSON: I am asking Beth.

5 (Off-the-record colloquy.)

6 (Deposition Exhibit No. 9 was marked for  
7 identification.)

8 THE WITNESS: Thank you.

9 MS. JOELSON: And that has been marked  
10 as what exhibit?

11 THE WITNESS: Nine.

12 CROSS-EXAMINATION

13 BY MS. JOELSON:

14 Q. Ted, do you recognize what has been marked as  
15 Exhibit 9?

16 A. Yes.

17 Q. And if you turn to page three, paragraph 1E,  
18 the one that's on the previous page?

19 A. Yes.

20 Q. Do you recognize the information contained in  
21 that paragraph?

22 A. I do.

23 Q. And what is that information? In general,  
24 what is that information?

25 A. That's property values before PFOA and

1 property values after PFOA.

2 Q. And did you give us those numbers?

3 A. I did.

4 Q. And there was some question about your opinion  
5 of the value of your property assuming no PFOA  
6 contamination and given the PFOA  
7 contamination.

8 Do you remember those questions that you  
9 were asked earlier?

10 A. I do.

11 Q. If the answers you gave in that -- in answer  
12 to those questions differ from the numbers in  
13 this document, which are accurate?

14 MR. BARNES: Objection.

15 BY MS. JOELSON:

16 Q. Which accurately reflect your opinions?

17 MR. BARNES: Objection. You may answer.

18 A. These do. These are what we thought out, sat  
19 down, wrote out and put in here. The ones  
20 today I was trying to remember how close we  
21 were and how we got there. These are more  
22 accurate.

23 BY MS. JOELSON:

24 Q. And what did you consider in -- and when you  
25 say these, what are you referring to?

1 A. The -- the 185,000 and 200,000. And after  
2 PFOA, the 140,000 and the 155,000.

3 Q. Focusing on your opinion on page three, that  
4 the value of your property, assuming no PFOA  
5 contamination from defendant's operations, is  
6 185 to 200,000, explain to us what went into  
7 formulating that opinion. What's that --  
8 what's that opinion based on?

9 MR. BARNES: Objection. You may answer.

10 A. We took the -- what we paid for the house and  
11 then what we put into the house and time and  
12 money and what costs would have been had we  
13 had to pay labor. That's how we got to that  
14 number.

15 BY MS. JOSELSON:

16 Q. What else did you include in that opinion, in  
17 the opinion of the value assuming no PFOA  
18 contamination of your house?

19 Anything else other than what you've  
20 testified to?

21 A. No, I think that is it.

22 Q. And what you testified to earlier?

23 A. Yes.

24 Q. And what did you take into consideration in  
25 determining the value of your property given

1           the PFOA contamination from defendant's  
2           operations?

3           A.   What we would have -- what we would have paid  
4           for it ourselves if we had to buy it.   We  
5           would have had to -- taken a significant  
6           discount off the asking price because of the  
7           contamination.

8           Q.   What do you know of -- are your obligations to  
9           disclose information about your house to a  
10          prospective purchaser?

11          A.   You have to -- any defects have to be put on  
12          the form so that they know what they are  
13          getting.

14          Q.   And what do you feel you would have to tell a  
15          prospective purchaser about PFOA  
16          contamination?

17          A.   You're in the contamination zone as defined by  
18          the State of Vermont.   You have to tell them,  
19          and that it's -- while it's -- but you would  
20          have to give them the level that it was at  
21          last read.   If I was going to buy the place, I  
22          would want a test right now to see what the  
23          PFOA was.

24          Q.   And are you assuming anything about whether  
25          you get connected to municipal water in your

1 opinion of the value of your property given  
2 the PFOA contamination?

3 A. Yes, that's the -- the 140 to 155 is with the  
4 town water.

5 Q. Assuming you get connected?

6 A. Well, yes, we -- yes.

7 Q. And you were asked a lot of questions about  
8 the individual cost of specific improvements  
9 you have made to your property over the years.

10 Do you recall those questions?

11 A. I do.

12 Q. And you had a hard time identifying  
13 specific -- cost of specific improvements?

14 A. Yes.

15 Q. What's your best recollection about the  
16 actual cost of improvements you have made to  
17 your house over the years that you have owned  
18 it in terms of the cost of improvements and  
19 the value of your and your family's labor?

20 MR. BARNES: Objection. You may answer.

21 A. Approximately \$100,000.

22 BY MS. JOELSON:

23 Q. And break that down for me. What you are  
24 assuming with that?

25 A. We have about \$60,000 in labor -- or not

1 labor, sorry -- material and my time and then  
2 other people's time that was donated that I  
3 would have had to pay for, you know, roofers,  
4 carpenters, plumbers.

5 Got a lot of plumbing advice from my  
6 father who was a master plumber and a master  
7 electrician. And Linda's father was also a  
8 master plumber, and he helped a lot too.

9 And her brother is a -- was a roofer by  
10 trade. So when they put the roof on, they did  
11 it basically on a weekend, which would have  
12 been, you know, very costly. That kind of  
13 thing.

14 The same with my brothers doing the  
15 carpentry work, you know.

16 Q. And in coming up with the dollar value of the  
17 materials that you bought, how did you  
18 determine that it was around 60,000?

19 MR. BARNES: Objection.

20 A. By looking at the receipts and, you know, the  
21 bills. I have a whole box of bills. Some are  
22 so old that I can't really read them.

23 BY MS. JOELSON:

24 Q. And we asked you to provide all of those in  
25 your discovery?

1 A. You did.

2 Q. And you did provide them, all that you had?

3 A. Yes, I believe so.

4 Q. And you reviewed those in coming up with that  
5 number?

6 A. Yes.

7 MS. JOELSON: That's all I have.

8 THE WITNESS: Okay.

9 MR. BARNES: I have a --

10 MR. WILSON: We have a very short  
11 redirect, I think.

12 MS. JOELSON: Okay.

13 MR. WILSON: Let's go take just a couple  
14 seconds, and we will be very quick.

15 MS. JOELSON: Okay.

16 THE VIDEOGRAPHER: The time is now  
17 approximately 3:05 p.m. Going off the record.

18 (Brief recess taken.)

19 THE VIDEOGRAPHER: The time is now  
20 approximately 3:11 p.m. Going back on the  
21 record.

22 MR. BARNES: Hi, Mr. Crawford, I just  
23 have a few more follow-up questions and then  
24 we will be done.

25 REDIRECT EXAMINATION



1 BY MR. BARNES:

2 Q. Emily asked you a few questions about your  
3 opinion on the value of your property given  
4 the PFOA presence in your well water, correct?  
5 Do you recall that?

6 A. Yes.

7 Q. And you had estimated it to be between 140,000  
8 to 155,000, right?

9 A. Yes.

10 Q. And you had -- is it correct that you took  
11 into account the likelihood that you will be  
12 connected to the municipal water supply into  
13 that valuation?

14 A. Yes.

15 Q. And how did you take that into account?

16 A. I just assumed that we were going to have -- I  
17 know we're going to get hooked onto the water  
18 supply, so...

19 THE VIDEOGRAPHER: Excuse me. I am  
20 getting a cell phone really bad.

21 Could you ask it again, please.

22 (Portion of testimony read back by the  
23 reporter.)

24 A. Being hooked up to municipal water? I know  
25 we're going to have to because we can't

1           drink -- you know, we're not going to drink  
2           the well water anymore, so we have to have a  
3           water supply. But I don't put a high -- great  
4           high value on the town water.

5           BY MR. BARNES:

6           Q. But what I mean is, how did it affect your  
7           valuation? Did it raise it? Did it lower it?

8                   MS. JOELSON: Objection. You can answer  
9           it if you understand it.

10          A. It really didn't. The PFOA is the thing that  
11          I arrived at this with, because it's going to  
12          be there. We didn't get rid of it. It's just  
13          not in the drinking water anymore, but it's  
14          still there. We are still in the zone of  
15          contamination. We still have to disclose that  
16          when we sell the property. It's still going  
17          to be detrimental.

18          BY MR. BARNES:

19          Q. So how would this number change if you did not  
20          have plans to be connected to the municipal  
21          water supply?

22          A. It's not an option.

23                   THE VIDEOGRAPHER: Five minutes.

24          A. We have to be connected to the town water  
25          supply. We can't use the well.

1 BY MR. BARNES:

2 Q. So let's say you declined the option to  
3 connect to the municipal water supply, would  
4 that affect this property value? You --

5 A. No.

6 Q. No. So when you said you did take it into  
7 account, it didn't change the results?

8 A. Correct.

9 Q. I would also like to quickly ask you, you had  
10 mentioned that -- I guess a couple times that  
11 the, I think, and correct me if this is wrong,  
12 but that you said the State of Vermont had  
13 determined that you were in a zone of  
14 contamination; is that accurate?

15 A. That's correct.

16 Q. And what is your basis for belief -- what is  
17 the basis for your belief that the State of  
18 Vermont has done that, has defined a zone of  
19 contamination?

20 A. There is a map and they've defined the  
21 boundaries.

22 Q. And if I told you they called it a designated  
23 area of concerns that --

24 A. Zone of contamination. That's what everybody  
25 calls it.

1 Q. But would you have any basis to disagree that  
2 they might use a term designated area of  
3 concern?

4 A. They use that term, yes.

5 Q. And would you agree that they use that term to  
6 pick areas that are in need of further  
7 investigation for the presence of PFOA?

8 MS. JOELSON: Objection.

9 A. I don't know.

10 BY MR. BARNES:

11 Q. Would you agree that those are the areas they  
12 focused on testing for water supplies?

13 MS. JOELSON: Objection.

14 BY MR. BARNES:

15 Q. You may answer, if you can.

16 A. The way I understand it is they went away from  
17 the Saint-Gobain, and when they found  
18 contamination, they expanded their zones. And  
19 they kept going until they didn't find any  
20 anymore. That is how I understand they  
21 arrived at that.

22 Q. So it's areas where PFOA could be found?

23 A. And is found.

24 Q. And Vermont then conducted testing for your  
25 well water, correct?

1 A. They did.

2 Q. And they found it to be less than 20 parts per  
3 trillion level for PFOA?

4 MS. JOSELSON: Asked and answered, but  
5 you can answer it again.

6 A. Yes.

7 BY MR. BARNES:

8 Q. And so why do you feel obligated to disclose  
9 that fact, that you are within a designated  
10 area of concern when you're testing below 20  
11 parts per trillion in your well water?

12 A. It would be dishonest not to. You have to  
13 disclose things like that when you sell a  
14 property. It's -- I think it's -- I am going  
15 to go out on a limb and say it's the law. You  
16 can't hold something like that back.

17 And further, anybody that's going to buy  
18 any property around -- in Bennington, I'm  
19 almost certain they're going to be looking  
20 where the PFOA zones of contamination are.

21 THE VIDEOGRAPHER: Two minutes.

22 BY MR. BARNES:

23 Q. So when the state says your water levels  
24 are -- let me withdraw and re-ask that  
25 question.

1           So when the state says that your PFOA  
2           levels in your water are below 20 parts per  
3           trillion, do you still believe -- let me start  
4           over.

5           So when the state says your water is  
6           below of PFOA -- safe levels of PFOA -- I  
7           apologize, Mr. Crawford.

8           So when the state says your water is  
9           below safe levels of PFOA, do you still  
10          believe it's the law to disclose that fact to  
11          potential buyers?

12          MS. JOSELSON: I'm going to object to the  
13          form, but you can answer.

14          A. The state has set a limit of 20 parts per  
15          trillion.

16          THE VIDEOGRAPHER: One minute.

17          A. But the testing people are saying that  
18          whatever the tests come out, but you don't  
19          know from day to day. And, yes, I think you  
20          still have to disclose you're in the  
21          contamination zone.

22          MR. BARNES: All right. And as we said  
23          earlier, we're going to reserve our right to  
24          keep it open and let it be unanswered  
25          questions.

1 MS. JOSELSON: There was one question  
2 that I instructed the witness not to answer,  
3 not more.

4 MR. BARNES: And any follow-ups.

5 THE VIDEOGRAPHER: Is that it?

6 MR. BARNES: That's it.

7 THE VIDEOGRAPHER: The time is  
8 approximately 3:18 p.m. This completes  
9 today's testimony of Ted Crawford. Going off  
10 the record.

11 \* \* \* \* \*

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1 ACKNOWLEDGMENT OF DEPONENT

2  
3 I have read the foregoing transcript of  
4 my deposition and except for any corrections or  
5 changes noted on the errata sheet, I hereby  
6 subscribe to the transcript as an accurate record  
7 of the statements made by me.  
8

9  
10 \_\_\_\_\_  
11 THEODORE B. CRAWFORD

12 SUBSCRIBED AND SWORN before and to me  
13 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
14

15  
16 \_\_\_\_\_  
17 NOTARY PUBLIC  
18

19  
20 My Commission expires:  
21  
22  
23  
24  
25



CERTIFICATE

I, Beth Gaige, a Registered Professional Reporter, hereby certify that the within-named deponent was sworn to testify the truth, the whole truth, and nothing but the truth in the aforementioned cause of action.

I further certify that this deposition was stenographically reported by me and later reduced to print through computer-aided transcription, and the foregoing is a full and true record of the testimony given by the deponent.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this 3rd day of April 2018.



Beth Gaige, RPR

Notary Public

My commission expires:

August 22, 2019

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IN RE: SULLIVAN, et al. vs. SAINT-GOBAIN

DATE: 5/1/2018

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THEODORE B. CRAWFORD

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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